

## SENATE—Tuesday, April 7, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Lord of Heaven and Earth, in these emotionally explosive days when there is so much anger, so much misunderstanding, so much frustration, we are grateful for the words of the psalmist:

*O Lord, thou hast searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways. For there is not a word in my tongue, but, lo, O Lord, thou knowest it altogether. \* \* \* How precious also are thy thoughts unto me, O God! how great is the sum of them! If I should count them, they are more in number than the sand; when I awake, I am still with thee.—Psalm 139:1-4, 17-18.*

God of the macrocosm and the microcosm, help us understand that to be without a God reference, a transcendent reality in our lives, we are like a compass without a magnetic north—disoriented, undirected, frustrated.

In His name who is the Way, the Truth, and the Life. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 7, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

## U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of Senate Concurrent Resolution 89, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 89) to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

The Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

## S. CON. RES. 89

Whereas the health and stability of the environment of the Earth are threatened by global climatic change, depletion of the ozone layer, deforestation, the loss of biological diversity, increasing population, disposal of hazardous chemicals, marine pollution, the depletion and contamination of fresh water supplies, and other international environmental problems;

Whereas it is in the interest of the citizens of all nations to encourage environmentally sustainable development policies that allow for the preservation and renewal of natural resources;

Whereas the maintenance of global environmental health requires increased cooperation among nations, including new agreements and policies designed for the achievement of such maintenance;

Whereas the United Nations Conference on Environment and Development (hereinafter referred to as U.N.C.E.D.) will convene in June of 1992 in Rio de Janeiro, Brazil;

Whereas June 1992 is also the 20th anniversary of the United Nations Conference on the Human Environment, held in Stockholm, Sweden, in June 1972;

Whereas U.N.C.E.D. will provide a rare and important opportunity to make progress towards global environmental protection and sustainable development;

Whereas this Nation has sufficient power and influence to play a major role in determining the success or failure of U.N.C.E.D.;

Whereas the well-being of present and future generations of this Nation depends on the preservation of a healthy and stable world environment; and

Whereas World Environment Day will be observed during the United Nations Conference on Environment and Development; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(a) the President should:

(1) play a strong and active role in cooperating with other governments to prepare for a successful United Nations Conference on Environment and Development (hereinafter referred to as U.N.C.E.D.);

(2) seek to developing specific and effective international agreements to enhance global

environmental protection and encourage the use of sustainable development practices for signature at U.N.C.E.D.;

(3) support an international convention to reduce the threat of global climatic change;

(4) support the development of a global strategy and action plan to conserve the biological diversity of plant and animal species;

(5) support principles of forestry that reduce the rate of global deforestation, increase worldwide forest cover, and provide for the international protection, growth, and sustainable use of mature forests;

(6) support policies and agreements aimed at encouraging the development of renewable sources energy and energy-efficient technology and give priority to developing more efficient transportation systems;

(7) support the implementation of the Montreal Guidelines for Protection of Marine Environment Against Pollution from Land-Based Sources;

(8) support national and international programs to ensure the efficient and equitable use of fresh water resources and give priority to the promotion of water conservation and demand management programs;

(9) support the acceleration of international efforts to reduce the emission of chemicals that deplete the ozone layer and ultimately phase out the use of such chemicals;

(10) support efforts to strengthen the Basel Convention on the Control of Transboundary Shipments of Hazardous Wastes and Their Disposal (as offered for signature on March 23, 1991);

(11) support measures for financing U.N.C.E.D. agenda initiatives that integrate environmental projects and considerations with comprehensive developmental goals and meet the concerns of developing countries;

(12) support new multilateral measures to provide assistance for global environmental protection activities (including appropriate grants, loans, technical assistance, training, and scientific research activities) in developing countries;

(13) support a process for consultation, on an international basis, that would bring together appropriate governmental officials and officials of multinational institutions for the purpose of identifying methods of conserving natural resources and reducing the debt burden of developing countries;

(14) support initiatives to strengthen the ability of the United Nations and agencies of such organization to assist the world community in developing and implementing agreements that serve the goals of U.N.C.E.D.;

(15) support the development of a reform system of national accounting that reflects full environmental costs;

(16) support the international recognition of the right of the general public to be informed of, and participate in, decision making that affects the environment and the use of natural resources; and

(17) issue a proclamation recognizing June 5, 1992 as "World Environment Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

(b) the President should not support any action or undertake any commitment pursuant to section (a) which he believes would have an adverse effect on the competitiveness of American industry or that would result in a net long-term loss of American jobs.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, in June the U.N. Earth summit will convene in Brazil. So much has been said on the climate change negotiations that we have lost sight of the fact that the Earth summit is the principal conference.

UNCED is an international political conference aimed at formulating a set of principles on sustainable economic development. The concept of sustainable development is finding the means to raise the standard of living of rich and poor nations alike consistent with a set of principles on international environmental issues.

The UNCED negotiation was to be completed by now. However, last week in New York the approximately 150 member nations of the United Nations have been unable to reach agreement on just the nonbinding principles. So, the June conference which was to ratify all completed documents appears to be in a state of chaos at the moment.

In a separate track, Mr. President, I might note that the state of chaos is not, as some would have it, the fault of the United States. This is a chaos that has developed amongst the disagreements between the so-called Third World countries, the poverty nations, the emerging economic nations, and the economic nations. There is not a consensus on the economic principles, so that one might be cautious in saying that, one, the real summit is nothing but an environmental summit because it is principally an economic summit.

On a separate track the Intergovernmental Negotiating Committee established by the U.N. General Assembly is negotiating a climate convention. I emphasize again, on a separate track.

The INC negotiations on climate change is a legal process which is intended to produce a legally binding treaty. For some time the scientific community has warned of the potential for human induced global climate change. In the 1970's their concern was for global cooling, with the 1980's the scientific community expressed concern for man's potential to induce global warming. Through both Government and nongovernment activities, the United States has invested heavily in scientific research to understand the

climate change phenomenon and its consequences.

Sound science, not science driven by a political agenda, must provide the cornerstone for a sound response to the potential for climate change. Through the IPCC process a consensus has been reached by a broad range of scientists on the state of current knowledge. However, precise evaluations of the impacts of climate change are not likely to be available until after the turn of the century.

Perhaps the most distressing aspect of the negotiations on global climate change is the assumption that the so-called greenhouse effect is a scientifically verified phenomenon which will devastate the Earth over the next 100 years. Many scientists have questioned the hysteria being generated by some organizations about global warming. Many may recall that alarms were sounded back in the late seventies about the new ice age which would result from carbon dioxide buildup in the atmosphere. That theory was quickly discredited, so now we have the global warming alarm which is also based on incomplete evidence.

The Chair may recall that in 1979, the winter was so cold, the Nation was running short of natural gas, and that the National Academy of Sciences issued a statement to say that it is far from premature to predict the coming of the new ice age.

While the best estimates by scientists is that increased concentrations of greenhouse gases are likely to cause changes in atmospheric and oceanic temperatures and circulation, the scientific community cannot yet establish that such changes have already occurred. Scientists also cannot provide with much certainty the rate and regional details of such changes. The potential impacts of such changes are likely to vary considerably, with particular risks for drought-prone areas, agriculture, coastal zones and natural ecosystems. But despite these uncertainties, other countries are asking us to commit to stabilization of carbon dioxide. Yet many of them consider it an intrusion on their sovereignty if we were to ask for similar commitments from their country.

When the INC process began it was envisioned that the treaty would be on climate change and would consider all greenhouse gases, such as carbon dioxide, methane, ozone, and CFC's. Yet now we are being informed that the proposal is to treat only CO<sub>2</sub>. What started out as a treaty on an environmental issue is now an attempt by developing countries to dictate the energy policies of developed nations.

Even if the climate change treaty were to be limited to carbon dioxide, it would not apply—I will say again, it would not to the developing countries. By the year 2025, the contributions of different countries will shift from the

developed, freemarket countries to those countries with economies in transition.

Over the longer term, countries other than the Western industrialized countries are projected to become the largest sources of greenhouse gases. If the community of nations is truly concerned for addressing global climate change, then we need an approach that provides a role for all nations in its solution. Global problems require global responses. However, neither current economics nor environmental analysis can accurately predict either the costs or the benefits of acting on the basis of current knowledge.

The United States is not the only country that is concerned about rigid, quantitative timetables to reduce or stabilize CO<sub>2</sub>. At one extreme are those countries which favor a broad approach to climate change that addresses all sources, not just energy sources, and sinks of greenhouse gases, such as forests. On the other extreme are those countries which support explicit, binding targets and timetables for CO<sub>2</sub> alone.

If the phenomenon of climate change is real, the challenge will be to find an approach that addresses all sources and sinks of greenhouse gases. Under such an approach, all countries should share that burden. There needs to be a broader adoption of cost-effective measures to control greenhouse gases.

Mr. President, if one were to agree as I do not, that global warming is occurring, it makes no sense to restrict carbon dioxide emissions in the countries with a slow or even static rate of growth, but allow a massive increase elsewhere. This is illogical.

Unlike for CFC's which are totally man-made and are produced in a finite number of facilities, CO<sub>2</sub> has both natural and man-made sources and sinks across many economic sectors. Unlike CFC's, CO<sub>2</sub> and other greenhouse gases depend on factors beyond our control, such as economic growth and the relative prices of fuels.

Nevertheless, Mr. President, we are being pushed into confirming that which is in dispute through the Global Climate Change Convention. Both the Group of 77 and some OECD nations are pushing for mandatory caps on carbon dioxide emissions. Since carbon dioxide is part of the natural life cycle, there are a limited number of targets for restriction emissions. The negotiations have focused on industrial and transportation restrictions in the developed nations. This is not a very subtle attempt to allow an international body, controlled by the Group of 77, to dictate to the United States our future economic growth. If our economic growth is curtailed, where will we generate the revenues to fund the G-77 environmental fund?

While the United States would be subject to mandatory restrictions on



our carbon dioxide emissions, the Group of 77 also insist that they be allowed to continue to expand their emissions.

The United States negotiators are under much pressure, not just from the Group of 77, not just for the European Community and the Japanese, but also from Members of Congress, to capitulate to these two demands for a mandatory fund and mandatory caps. Our negotiators have taken a much more sensible and workable position.

First, environmental development funds should be provided through existing multilateral financial organizations, such as the GEF, and be based on voluntary contributions. Second, to reduce carbon dioxide emissions, we need real measures that actually work, rather than artificial, mandated caps. For instance, the enactment of the National Energy Security Act, S. 2166, will reduce America's carbon dioxide emissions. We do not need a cap that will be selectively enforced by the Group of 77.

Developing countries are advocating that the industrialized nations give a political signal that they are prepared to take action with regard to their emissions of greenhouse gases, in particular CO<sub>2</sub>. However, these same developing countries also need to provide a political signal that they intend to mitigate the environmental effects of their planned economic development. The real issue is how to achieve a global response to this global problem.

We need a process that encourages all countries to assess where they are and move forward together. One country alone, and I say that again, Mr. President, so the Senate can hear it, one country alone cannot change the upward trend of emissions. The United States already is taking actions to reduce or stabilize its greenhouse gas emissions.

For the last 50 years, the United States has served as the economic engine for the world's economy and global security. Many areas of the world have benefited from the United States' economic prosperity. For decades, the United States has led the world in developing ways to protect the environment while pursuing sound economic growth. Our efforts to internalize the costs of environmental degradation deserve praise, rather than condemnation.

The issue of climate change challenges developing countries as well as industrialized countries to rethink how to grow economically in an environmentally sound way. Industrialized and developing countries alike have a stake in sustainable economic development. Each nation must take action appropriate to their respective national capacities.

What the advocates of stabilization do not tell you is that neither we nor the Europeans can sustain stabilization

if we must rely on current technologies.

Preventative actions can provide us with the necessary time to expand our knowledge of the causes and effects of climate change. Emissions from sources can be reduced, for example, through energy conservation and improvements in agricultural practices. Greenhouse gas sinks can be enhanced through changes in land use patterns, principally through new agricultural techniques and through afforestation and reforestation. In addition, there are global adaptive alternatives.

But, Mr. President, let me go back and say again what the summit is. The fact that the Earth summit is just one of the areas of attention, that it is an international political conference, primarily designed to affect the sustained development and to raise the standard of living in rich and poor nations alike, it is not and has not ever been just an environmental conference, Mr. President, and I think it is a mistake and a misstatement to make people believe that the only thing that will be going on in Rio is a conference on the environment.

Mr. President, I yield the floor.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent, if it is all right with my colleague, that we change the time, since we will be accepting the amendments and we have worked out the process here, there will not be a need to have a specific time for debate on amendments. So I ask unanimous consent that we maintain the time as allotted but simply place all time for debate on the resolution itself with the vote to occur at the same time it was originally to occur.

Mr. WALLOP. Reserving the right to object and I shall not object, I just want to make certain that in there we save time to offer those three amendments and have them accepted.

Mr. KERRY. Mr. President, that is understood. We will make certain that happens.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, before I yield time to the Senator from Tennessee, I would like to say a few words about this resolution which I have sponsored, together with a number of colleagues.

This environmental conference, which is known as the Earth summit to be held in Rio this June, is an extraordinary opportunity. It is the most important opportunity for paving a new path with respect to international environmental cooperation that the United States has had since the Stockholm Conference of 1972, 20 years ago. In the course of that 20 years, we have learned a remarkable amount about all of the various environmental problems that we face on this planet, ranging from

ocean pollution, desertification, deforestation, global climate change, ozone depletion, and population problems.

I think it is safe to say that those who have been watching the development of these environmental issues would feel that never in history have so many environmental issues begged for so much attention with such clarity as they do today.

A number of years ago, the President of the United States suggested that he wanted to be known as the environmental President, and here is an extraordinary opportunity to be exactly that, to define himself and to help define leadership for the world.

As I know my colleague from Tennessee will point out, 160 nations have been struggling for 5 weeks in preparatory meetings for the Rio Conference, struggling to overcome the many competing self-interests that always come into play during this kind of multilateral effort. Significantly, the one Nation that could provide the greatest amount of leadership, us, the United States of America, is the one Nation that has really been holding back this process.

Now, I know you can point easily to cosmetic motions that are made and to the efforts of Assistant Secretary Bohlen and others that I think are genuine to make things happen, but they are hampered by the lack of leadership, by a President who simply is not present on this issue and does not recognize the enormity of the choices we face with respect to environmental issues internationally.

This is an extraordinary moment. It is a chance to design a strategy, not necessarily a whole set of mandatory requirements, certainly not a challenge to our sovereignty, but a strategy, an international understanding about to begin to approach many of these issues. It is a way of defining a strategy that will encourage economic growth, using methods and means that will preserve and enhance the environment.

The concept of sustainable growth is the concept that has emerged prior to this conference but, I am glad, to say is the emerging standard from the preparatory meetings. It is one that we really ought to take seriously, and we need to question our own national standards of simply consuming natural resources and ultimately reducing our capacity for future growth.

The conference in Rio offers us an opportunity to choose between short-term greed and the long-term need of the planet, between thoughtlessness and discipline, between caring only about ourselves and our responsibility to the next generation.

Like many others, I am frankly, puzzled and disappointed by the administration's failure to exercise the kind of strong leadership for which this resolution calls. Instead of approaching the conference as an opportunity to make

great progress, the administration has literally been treating it like an ordeal that has to be endured, and instead of taking the lead, we are, as I said, following, and I would say distantly following, the lead of others.

Dozens of world leaders are expected to gather in Rio, but the President of the United States has not yet committed to go. He said this past week that running for the Presidency may keep him home.

Mr. President, it is really hard to understand how the somewhat tattered campaign of Pat Buchanan could really take precedence over the concerns of the planet that I and others will define this morning and that have been so defined for us over the course of these last years. It seems to me that if you have a true commitment to the environment and you understand the enormity of the choices that we face right now, a week in Rio, a few days in Rio, would be worth months on the campaign trail. It would, in fact, be one of the first substantive things that we have seen in the context of an environmental Presidency and would do more to add substance to a Presidency lacking in substance, more to add an agenda to a Presidency lacking an agenda than anything else I could think of.

I believe the real reason the President is reluctant to go is that the administration really has not had anything seriously to say about the environment either domestically or internationally in 3½ years. The symbols have been there, some tree plantings, the Department of Environment proposals, and some photo opportunities at the Grand Canyon and elsewhere. But the reality is when we had to negotiate the details of the Clean Air Act, when we had to press for water treatment facilities and other things, the administration has been absent without leave.

Mr. President, I think it is important when contemplating the administration's policies to remember this is not a penny-ante political debate. It is a rare and real historic opportunity. We are talking about the long-term ability of the atmosphere of this planet to sustain human life. We are talking about stopping the destruction of habitat that is now causing species to become extinct faster than at any time since the Ice Age. We are talking about the preservation and sound management of forest resources that are today disappearing at the rate of 54 acres a minute around the world. We are talking about the need for a partnership, about a whole new definition of the relationship between ourselves and developing nations, between rich and poor, between industrialized and not yet industrialized, in order to provide a sustainable agriculture and sound water policy and energy conservation policy and for the development of renewable fuels.

I will have more to say on this as we proceed. There are few Senators who have added as much to this debate, or who have been as significant in their leadership as the Senator from Tennessee, whose book has recently added greatly to the quality of our understanding of this issue. He is going to be the leader of the delegation that will go to Rio on behalf of the Senate in order to try to both monitor and assist in the process, and I personally am grateful for his leadership and applaud the very significant contribution he has made to this debate.

I will yield 25 minutes at this time and more, if he needs it, to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

May I begin by expressing my gratitude to my colleague, the Senator from Massachusetts, for his leadership on this issue and for bringing this resolution to the Senate. I have enjoyed working with my colleague from Massachusetts on this issue for a number of years now. Indeed, we worked together on the Interparliamentary Conference on the Global Environment which the Senate sponsored 2 years ago, on the issue of whether or not the world would adopt a treaty protecting Antarctica, and on a number of other issues. I applaud and appreciate his leadership.

May I also compliment the Foreign Relations Committee for bringing this forward, and also the Senator from Wyoming [Mr. WALLOP] whose amendments will be accepted and will, in the process, make it possible to secure an even larger majority in favor of this resolution, although I find myself, of course, in disagreement with some of the viewpoints expressed by the Senator from Wyoming.

I appreciate the fact that in his statement this morning he acknowledged a world scientific consensus has in fact emerged on the likely consequences of continued accumulation of greenhouse gases in the atmosphere. I believe that the international consensus extends much farther than that. But I recognize and appreciate the significance of what the Senator from Wyoming did say in that part of his statement.

I encourage my colleagues on both sides of the aisle to support this resolution.

May I say from the Democratic side of the aisle, Mr. President, that President Bush is not likely to be criticized for the fact of making a trip to Rio de Janeiro.

Why do I say that? Because he has been criticized for making foreign trips. And lest any political advisers in the White House worry that Democrats would seize the occasion of a trip by President Bush to the Earth summit as

an opportunity to criticize him for leaving our shores to go to a meeting in a foreign country, I would see it as rank demagoguery to criticize the President for the fact of making that trip.

I hope that his political advisers understand that this is one trip he should make. A criticism of his positions on the issues at play in the debate is another matter. But President Bush should go to the Earth summit.

I have even privately told his political advisers, in numerous one-on-one meetings with every one of them I could seek out to tell, that the President faces political catastrophe if he is the only leader of a major nation in the entire world who refuses to go to the Earth summit.

I do not worry about the political damage to the President. I would like to see somebody else elected this fall. But if he is isolated and becomes the only world leader who refuses to go to the Earth summit, that hurts our country. That embarrasses not just him as President, not just him as an individual; it would embarrass our country, and it would hurt our national interest severely because a new political consensus in the world is emerging.

The effort to save the global environment must become the central organizing principle in the post-cold war world; and, yes, that must be focused on sustainable economic development and efforts to find ways to continue economic progress without the environmental destruction which has in the past accompanied much in economic development.

If that consensus emerges, as it will—and the meeting in Rio is a big part of that process—if it emerges with the United States isolated outside the circle of agreement, that hurts our national interest. We should be leading the world. Our ideas are ascendant in the world: Economic freedom, self-government.

Now, as the world turns to this new agenda, the United States should be at the forefront. It is very difficult for us to play that role if every leader in the entire world is meeting at the Earth summit, but the President of the United States is stonewalling the Earth summit.

So let me just say that a strong, bipartisan vote in favor of this resolution will, I hope, make it easier for President Bush and his advisers to understand why it is in his interest, and more importantly, in the interest of the United States of America, for him to attend the Earth summit.

Let me turn to some of the issues that are being discussed in conjunction with the Earth summit, and talk about why I believe the President must change our policies in order to make the Earth summit a success, and in that way as well make it possible for him to attend the Earth summit.



There really are three negotiations going on simultaneously. The first one and the main one is the negotiation on the U.N. Conference on Environment and Development. That negotiation is aimed at producing a statement of principles which has been called the Earth Charter, which may now be called by another name, the Rio Declaration. But it attempts to define this new commitment by all the nations of the world to protecting the Earth's environment and making a sustainable economic development possible.

Second, they are attempting to negotiate a document called Agenda No. 21, a nonbinding statement of all the measures which ought to be undertaken in order to achieve the goals outlined in this Earth Charter.

Then, as part of that same first negotiation, there has been an effort to get agreement on a statement of principles with respect to forests and a statement of principles with respect to the protection of the oceans, principally the coastal areas of the oceans. Those negotiations have been underway in a series of preparatory meetings, the last of which concluded in New York City at the United Nations.

The other two negotiations, as my colleague from Wyoming said earlier, are technically separate from the UNCED negotiations. They are aimed at two binding treaties that are scheduled to be signed at the Earth summit. The most important of these two treaties is on climate change; the other is on the protection of biodiversity.

Even though these treaties are separate, partly because they are scheduled to be signed at the Earth summit, they have been linked to the UNCED negotiations, and they have been explicitly linked to the UNCED negotiations by some of the developing countries who have said if the industrial nations, including the United States, refuse to accept binding commitments on limiting greenhouse gas emissions, then we, the developing nations, are not going to agree to a statement of principles on forests, or other language in the UNCED negotiations.

So the three discussions are proceeding in tandem.

That all makes this resolution today quite significant for the success of the historic undertaking in Brazil which has, after all, been years in the making. The opening ceremonies will coincide with the 20th anniversary of the 1972 U.N. Conference on Environmental Development, which was held in Stockholm.

The resolution itself that we are debating here speaks directly to our future, to our way of life, to the world we leave our children, and to our ability to continue a process of international negotiations and agreements to protect the global environment, and confront the global ecological crisis now before us.

This resolution is about more than simply having the President show up at Rio and shake hands. It talks in its language about the kinds of agreements we should be pursuing at the Earth summit, because the Earth summit is a rare opportunity for meaningful change.

This resolution is about reaping a rich harvest from years of scientific study, diplomatic talks, and careful negotiations, a harvest of international agreements to protect the global environment. And it is about a process that will allow progress to continue well beyond the Earth summit.

This is not a moment we can reschedule or postpone, nor is it an event we can simply drop by and pay our respects.

President Bush is the only major world leader who has as yet refused to agree to go to the Earth summit. I think that, in itself, is embarrassing, and I hope that when this resolution passes, the President will hear it as a message from the Senate that it is time he makes up his mind, makes his reservations, and makes a difference.

The President's coin is on the Earth summit. I think it is most unfortunate, and should enrage every American concerned about the future of the global environment, every person concerned about the world that we will leave to our children. His coin is not especially surprising, because on this urgent and important conference on negotiations for the historic ground-breaking agreements that should be signed there, President Bush has been about as helpful as a rock blocking the road, and as consistent. His stubborn, shortsighted, intransigent policy has threatened the success of the entire conference.

Another point on which I agreed with some statements by my friend, the Senator from Wyoming, this morning, is that the negotiations there are in an uproar now. I think the positions taken by our negotiators at the request, at the order, of the President, is the principal reason for that, although I agree that there are other nations which have also taken unhelpful positions that have led to a lack of progress in the negotiations.

But we ought to be leading that process, and President Bush ought to be leading that process. Every time the world has confronted a difficult global challenge, the world has turned to the United States of America for leadership; and they have turned to the United States of America for leadership on this question, but President Bush has, instead, stonewalled the process. He has ordered our negotiators to reject any mention of targets and timetables for controlling greenhouse gas emissions.

Every other country in the world, perhaps with the exception of Saudi Arabia—and there is some question about Turkey's position—every other

major industrial country has supported targets and timetables. President Bush says, "No, why should we have targets and timetables?" Well, it is the only way to establish a standard that we can work toward. The targeted timetable under negotiation is to stabilize CO<sub>2</sub> levels at the 1990 level by the year 2000. Our target would be a level of emissions far, far larger than that of any other nation, because the 1990 levels referred to are the levels for each individual country. So there is a tremendous amount of variation and flexibility built into the language of that target and timetable.

I think that is unfortunate that the President is opposed to it. He is exhibiting no courage, no vision, no leadership. Instead, he has allowed lowered expectations and shrinking hopes. At this moment, at end of the final preparatory meeting before the Earth summit, we were supposed to have completed the Earth Charter, the Agenda 21 Action Plan Agreements on Climate Change, biodiversity, forests, and oceans.

The climate change agreement was to have been completed even before the final preparatory meeting began. It was not. U.S. negotiators ensured that. The biodiversity talks have broken down. The deforestation agreement has been so watered down that Canada and New Zealand, and others, have said it is not even worth submitting to their ministers for approval; it means too little now. But we cannot even get agreement on this watered down version. Agenda 21 remains unfinished, and the Rio Declaration—Sunday's newspapers heralded the last-minute agreement that saved this declaration. That was, unfortunately, a little unintentionally misleading, because, actually, the only agreement was to adopt it as a chairman's text, a working draft to save face.

I do not quarrel with the decision by the chairman of the plenary, Tommy Ko, of Singapore, to ask for agreement of the text as a chairman's text. It was the only thing that could be done at that point. But the negotiations, even on that statement of principles, must continue, because the United States was the first with its delegation's hand up to say: Stop, we do not even agree to this; until the compromise is arrived at, make it a chairman's text. You do not have to agree to it. We will continue the talks. So nothing has been agreed to.

Instead of the United States offering leadership to help the world arrive at a consensus on how to grapple with these questions, we have been blocking progress. The negotiations are in overtime. The opening days of the conference, instead of being the occasion to celebrate new meaningful agreements, will continue the negotiations on watered down versions of those potential agreements.

President Bush could have made a difference, and in this critical overtime period, he still can. But only if he gets off the bench, gets in the game, and learns to move the ball down the field, instead of just blocking any movement. Given the administration's performance at these negotiations, it is surprising perhaps that we have even gotten this far.

In the early morning hours on Saturday, the Rio declaration was only barely rescued from the brink of disaster. The survival of this document is testimony to the tenacity and resolve of the world community to see this process through, despite the enormous hurdles that have been put in place by the Bush administration. Throughout the preparatory process, the administration tried desperately to marginalize the document. Indeed our negotiators argued that it should be nothing more than a short lyrical statement, something suitable to write on a child's poster. And our heavy editing is still very evident in some of its passages.

We are fortunate that, in this instance, the conference as a whole was able to move beyond the President's intransigence. But we cannot rest easy. The truth is that the real success of the Earth summit is still very much in grave danger. To date, President Bush has refused to even put the conference on his calendar. As I mentioned earlier, he is the only leader in the industrialized world who has refused to do so.

In the process, he is jeopardizing the years of work that have been invested to build this international process of cooperation and negotiation. His refusal to recognize the importance of the Earth summit, and his evident willingness to try to undermine its significance has become an international embarrassment. The President also threatens to undermine the conference by instructing his representatives to the preparatory meetings to block meaningful agreement on nearly every issue under discussion in the talks.

As the rest of the world has struggled in earnest to grapple with the most serious environmental crisis the world has ever faced, the President is determined to weaken, marginalize, or completely block progress. Considering the key issues before the Earth summit and the groundbreaking agreements that have been under discussion for years, that is a great disservice to our people.

Let me go through them briefly. On climate change, we are again the sole hold out. Every industrialized country in the world, except the United States—and we are the largest contributor to the problem—has resolved to take forceful action to combat this problem. Japan, the entire European Community, Canada, Australia, and New Zealand, all have resolved to stabilize their emissions of carbon dioxide, and some, such as Germany, have

gone even further and have pledged to substantially cut their emissions from 1990 levels. We have refused to consider any meaningful action, and that stubbornness threatens to bring the whole process down.

Japan, the United Kingdom, and the European Community as a whole, appreciating the gravity of the situation, have all made appeals to President Bush, and have taken great strides to address concerns raised by his representatives. Nothing has worked. It is clear now that nothing will work. The Bush administration refuses to take action, and it is this issue of climate change that is at the heart of the possibility of agreement at the Earth summit.

The other nations of the world who have tried and failed to remove the obstacles that President Bush put in the path of progress are now sharply criticizing the White House. These nations understand that if the climate change agreement crumbles, the Earth summit becomes hollow, and the hope for a lasting process of agreements and negotiations fails. They understand what the American people are beginning to understand: If there is no climate change agreement, if the Earth summit fails, it is President Bush who will have to explain why, because it is President Bush who will have been the principal reason for the failure. There is still time to avoid it, and I hope that he will take action to avoid it.

On the forest agreement, again, there is similarly empty news. Unfortunately, around the world we lose between 1 and 1½ acres of forest every second. With this loss, plant and animal species are disappearing from the face of the Earth at a rate that is 1,000 times faster than at any point in the previous 65 million years.

The Bush administration response—well, initially the response was, sure, forests should be protected, someone else's forest. They were willing to have language that was addressed to tropical forests, but not the kind of forests that are in the United States. Claiming to take the lead on the issue, the administration really attempted to place responsibility completely on the developing countries.

Our negotiators have since conceded that all forests should be included. However, we made this concession only after the terms of the agreement had been completely eviscerated. Indeed the so-called statement of principles is so weak that it means very little now, unless it can be strengthened.

The President's determination to undermine the Earth summit has been most evident in the recent move by our negotiators to delete from the documents any reference to the implementation of the Earth summit. After years of negotiations and intense deliberation to craft strategies to deal with the environmental problems we face,

the administration would have them amount to just so much paper, nice words and nice declaration, never to be implemented by anyone.

What can account for the administration's determination to completely obstruct this process? I think the answer is apparent. The President simply has no vision beyond the immediate requirements to get through the next primary and the November election, no economic plan. Well, no problem. He thinks trashing the environment is the answer to surviving the recession. Worried about growing isolationism preached by Pat Buchanan. Well, no problem. Feed the fear with irresponsible opposition to international cooperation. Scared that friends and large corporations are losing interest. No problem, amplify the new skeptics who are still blind to the threat of climate change and ignore the issue.

At the Bush White House there is absolutely no recognition of an environmental crisis with severe implications beyond his term in office, beyond our lifetimes. There is no recognition of the responsibility of leadership to this generation and to everyone that will follow, to our children and grandchildren and their children and grandchildren.

This is about far more than winning friends and winning primaries, it is about far more than satisfying special-interest friends and big corporations. This is even about more than simply getting on Air Force One and heading south. This is not a drop by.

The President should go to Rio and make a real commitment to the Earth summit. The President should exert the leadership that only the United States can provide in order to jump start a process stalled by self-interested bickering that to date the United States, by its actions, has encouraged. We are in overtime, the deadlines we could push back, we have pushed back, the deadlines we could ignore, we have ignored. But we are running out of time. The sense that there is no deadline that cannot be postponed or ignored must be replaced by a new sense of urgency and new dedication to action.

Mr. President, I urge my colleagues to support this resolution and in doing so to support the efforts of people all around the world who recognize what President Bush will not; the global ecological crisis we face demands specific and immediate action by the nations of the world working together to protect our common future.

Thank you, Mr. President.  
The PRESIDING OFFICER (Mr. KERRY). The Senator from Wyoming.

Mr. WALLOP. Mr. President, before the Senator from Tennessee leaves, I want to correct something that he said. He perhaps misunderstood me, but I did not say that there was scientific consensus on the fact of in-



crease in temperature, global warming. The sentence I read, the best estimate by scientists, the IPCC, is that increased concentration of gases are likely to cause changes in atmospheric and oceanic temperatures and circulation. There is not in that group any consensus that cannot, at least so far as they have been able to report, provide any established view that such changes have occurred and second, there is absolutely zero, consensus on the consequences of atmospheric change.

Mr. GORE. Mr. President, will the Senator yield? I do not want to use his time.

Mr. WALLOP. I am making a statement and would invite a question or response to that without losing my right to the floor.

Mr. GORE. I appreciate that. First of all on the narrow point, I believe that if the Senator will check the record I tried to be careful in quoting what the Senator said because I knew it would cause him some discomfort for me to be in agreement with his statement about the issue. And I did try to say that I believe the consensus in the scientific community worldwide goes significantly beyond what the Senator believes. But in his initial statement he did say that there is a worldwide consensus on the likely effect of increasing greenhouse gas emissions in the atmosphere causing warming.

I did not speak to the issue. The Senator agrees that warming has already occurred as a result of greenhouse gas emissions. Those are two separate issues. Nor did I speak to the question of consequences for societies and for civilization as a whole, as a result of the warming. But I was attempting to compliment my colleague for the narrow basis of agreement on that one principle.

Indeed, the IPCC, the international scientific community, has said that continued increases of greenhouse gases will lead to warming. They group their conclusion into three categories, the top category of which was, of this we are certain. And in that category they said if we continue accumulating greenhouse gases in the atmosphere, we are certain that it will lead to warming and climate change.

I have more to say about this, and would welcome the opportunity to do so. If now is the appropriate time, may I ask unanimous consent, since the manager of the bill now is obligated to be in the chair, that I may have an additional 56 minutes of our time to address this point?

Mr. WALLOP. Mr. President, if I may, I yielded for a response to that one thing. I will not be long in my response.

Mr. GORE. I am happy to do it later. Surely.

Mr. WALLOP. Mr. President, the Senator from Tennessee implies that the United States is a slugabed, a

slaggard, environmentally insensitive, that the President in particular is that.

I have to disagree. The fact is that America, the United States is by far the world's leader in environmental protection. No other country has done as much as we have. I would point out that we have adopted the Montreal protocol, which calls for the elimination of CFC's, 10 percent of the greenhouse gases. We have passed the Clean Air Act. We have striven to pass, and still, I believe, will pass the Energy Security Act which reduces CO<sub>2</sub>'s substantially, accounting for about 50 percent of greenhouse gases.

When the Senator speaks that every other country has embraced targets and timetables, that is just not the case, Mr. President. They have all had some little qualification that they have added onto it. The Japanese have said that their commitment is based on population increases. Population increases, their commitment increases to a higher level. The European Community has committed, they say they can commit to the target, but no one country has to meet it. That is not a very solid commitment.

One of the problems that is necessary to understand is that when the United States affixes its signature to a treaty or to a document, it gets bound by that treaty. It does not hedge it or qualify it or put down some future thing. It says that we will reduce our standards of living; it says we will lose a half million jobs; it says all these other things, but we will do it if we sign onto it.

But the hedges that come from the industrial countries say they will, consistent with economic growth, consistent with affordability. The Japanese have said that they were going to do this by building 140 nuclear plants. You and I know that is not going to take place. We just know that it is not. And then they condition it still on an increase in population.

So these commitments are not quite as described by my friend from Tennessee.

The other thing is that when we embraced targets and timetables on CO<sub>2</sub>, it is as though that is the only greenhouse gas. I would say to my friend that it is not the only greenhouse gas, and there are others that are involved in that. And it is, interestingly enough, that the Europeans are more inclined to give lip service to this thing for the simple reason that they have a very, very inefficient, heavy, subsidized, dirty coal as part of their energy mix.

And so any changes in them having subsidization do not in fact draw down from their economic competence but in fact probably enhance it.

But I would say again that it is very fine for other countries to blame the United States for reservations that they themselves hold. I would also say that there is no head of state in the in-

dustrialized world, to my knowledge, that has given the hard and fast commitment that he will attend. They have said it is on their agenda, they have said a lot of other things about it, but they have not said, "I am going to be there."

And then lastly, I would like to say that I take issue with the statement that President Bush has blocked commitment. In fact, what I would say is a more accurate statement is that he has blocked capitulation, particularly with India and Brazil, both of whom say they are not going to be bound by this thing. They are emerging economies. India has taken the hardest line of all, were the President of the United States to order his negotiators to capitulate to India, you would not have a change in the world's environment but you would very definitely have a change in the industrialized world's economy. He has striven to avoid having that happen. He has taken a little heat for it, mostly, I would say, from domestic politicians rather than from the world's politicians.

So, Mr. President, I would lastly point out again that the UNCED Rio Conference, the U.N. Conference on Environment and Development, is a different process from the climate change negotiations as well as the forestation negotiations. UNCED can proceed on with a declaration of principles which the United States has signed on to in principle as of yesterday.

Mr. GORE. Will the Senator yield on that point?

Mr. WALLOP. Without losing my right to the floor.

Mr. GORE. It is my understanding that the United States has not even signed on to that statement of principles but agreed only that it could be used as a chairman's text, like a committee print here in the Senate, as a working draft to allow the negotiations to continue. We have not even agreed to that yet.

Mr. WALLOP. Well, Mr. President, the Senator is, I would say, technically correct, because nobody has. In fact, it is a working draft, but we have accepted it as a working draft. UNCED can go on. And the Global Climate Change Convention is not part of UNCED, and it is a mistake to suggest that it is. It can be signed there, as could be the Reforestation Treaty, were they to have been negotiated and ready at that time, but it was not conceived as being part of the UNCED.

UNCED is a special international political conference aimed at furthering sustainable development. And I think it is important that the public understand that. It is very easy to make large claims about what is and could be going on there and who is and is not at fault there, but I think the charges of the President's negligence and our country's negligence are unfounded. There is yet, Mr. President, to have

been a country in the world that has taken its environment so seriously as we have. We will have probably met the 1990 reductions if we get the energy bill passed. So for us to be accused of being uncaring about the environment is bit specious.

Mr. President, I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 10 minutes and to have that time allocated to the distinguished occupant of the Chair who is also the manager of the concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized for 10 minutes.

Mr. WIRTH. Thank you, Mr. President.

I too am dismayed by the administration's continued obstructionist behavior with respect to preparations for the upcoming U.N. Conference on Environment and Development, the most important environmental summit in our Nation's history, in the country's history, in the world history, and perhaps the most important political summit that has ever occurred in the history of mankind. Vital international agreements are under negotiation, but President Bush still refuses even to declare his intention to join the world's leaders in this historic discussion of our collective environmental future.

At a time when the people of this Nation cry out for leadership, the President has turned a deaf ear and blind eye to the challenge and opportunity presented by the Earth summit. The United States now stands almost alone, even among the industrialized nations, as a roadblock to comprehensive agreement to protect the Earth's fragile ecological balance.

We stand at a crossroads, and the world community stands with us, scratching their heads. Why, it is asked around the globe, has the United States—the one remaining and self-proclaimed superpower of the world—abdicated its traditional, historic, and vital leadership role in matters of global environmental protection?

I was surprised, Mr. President, that some of our conservative colleagues in the House of Representatives are circulating a letter to President Bush asking him not to join the more than 70 world leaders who are attending the Earth summit in Rio. They call it a regulatory summit. It sounds like that came out of Vice President QUAYLE's council. I want to talk about how terribly misguided this view is.

Just last week, the U.N. Environmental Program reported that since the end of World War II, 10 percent of the world's soil has been destroyed through deforestation and poor land management. During this same time

period, the world's population has doubled. In the next 10 years, we will add a new China's worth of people to the planet. How can we destroy our land and hope to feed all these new people? And how can we ignore this situation?

To refuse to address this situation condemns not just nature, but humanity as well. Uncontrolled population growth will doom every hope of stable economic development in the Third World, and every initiative to combat poverty and hunger worldwide.

In short, pressures on the ecological systems on which we all depend are increasing from all quarters. The signs of global ecological decay are all around us. Each second, man destroys a patch of rainforest the size of a football field. Species extinction has increased to 1,000 times the normal rate.

We pour poison into our water and carbon into the atmosphere. Rapid climate change poses an especially pressing danger; global warming threatens future generations and the future of the world economy. Our agriculture has a limited ability to adapt to rapid changes in climate. Great numbers of the world's population live in low-lying areas that would face disaster if the sea level rose even a minor amount. In the face of these trends, we must take action. We have a moral obligation to do so.

The 1990's represent a defining moment in our battle to understand and react to what we are doing to the planet. Ecological self-interest demands that we address global environmental challenges. That is what the Earth summit is all about.

Beyond the ecological imperative, there lies a critical economic imperative for the United States in the UNCED process. This administration continues to claim that it might be too expensive to save the planet's environmental systems. For many years, a false conflict has been perceived between environmental protection and economic growth, jobs, and prosperity.

But it is becoming increasingly clear, Mr. President, that aggressive environmental protection can fuel economic growth. Protecting the global environment presents not only political challenge, but economic opportunity as well.

If the United States does not move quickly we will miss one of the biggest investment opportunities in history. We can and must use the Earth summit as a lever for opening up promising new markets for U.S. products and advanced technology designed for the approaching era of growing environmental awareness.

Other nations are already gearing up to take advantage of this potential. The Japanese are particularly cognizant of this link and are moving aggressively to take advantage of these new market opportunities.

While this administration is wary of proposals for international agreement,

the Japanese have recognized the scientific and public consensus that has emerged rapidly around the world and are poised to take advantage of it. Last year, Japan established the Research Institute of Innovative Technology for the Earth to develop new, more environmentally sound technologies.

This is one small example of Japan consciously carving out the environment as a new area of international economic influence. Similarly, we in the United States should rise to the challenge, and apply our legacy of innovation and hard work to capitalize on the new realities of global environmental awareness.

The private sector in the United States understands this. On their own, well-managed American companies are adopting the new economics of ecological awareness. 3M, for example, has committed itself to a comprehensive energy management drive, Challenge 95, to cut the energy it uses by 20 percent between 1990 and 1995, making customers more competitive and spurring economic growth.

Why are they doing this? Because they recognize it will make them more competitive and give them an economic advantage in the marketplace.

In the utility field, Pacific Gas & Electric is committed to meeting three quarters of its projected load growth for the remainder of the decade with an ambitious program of more than \$2 billion in financial incentives for its customers to become more energy efficient. Over 10 years, this program will save 18.3 million tons of CO<sub>2</sub> emissions, not to mention millions of consumer dollars.

Huge international markets for energy efficiency and other environmental products will continue to grow as economic and environmental concerns are linked around the world. This is clearly already happening. This is what the future holds.

American manufacturers can compete—indeed they can lead the effort—to market environmentally sensitive products successfully in a world awake to the threat of global warming and other environmental dangers and resolved to fight back. That is the opportunity presented by the UNCED meeting.

We in the Senate have an obligation to strengthen our resolve and capitalize on the profound economic opportunities of environmentally sound development.

And so, Mr. President, I am dismayed that the administration still approaches the Earth summit with alarm. Instead of welcoming both the political challenge and commercial opportunities that accompany an international agreement on carbon dioxide stabilization and other pressing world environmental issues, President Bush shrinks from the challenge and embarrasses the proud tradition of U.S. leadership in the community of nations.



President Bush's anxiety is misplaced, and in the long-term, self-defeating. Too much is to be gained by advancing environmental protection, ecologically and economically, and too much is to be lost by standing still.

I wanted to frame my comments on UNCED in terms that maybe the White House, OMB, and this administration will understand.

Why not use market incentives to help us solve environmental problems? That was the message of the late Senator John Heinz. That was the message of Project 88. That should be the message of enlightened thinking.

Let us not look at UNCED as a set of liabilities. Let us look at UNCED as a set of opportunities, and it can be by taking the ideological blinders off and understanding what our future is going to be, and what the future of our children and grandchildren and great grandchildren are going to be, and what our role is going to be in this new, post-cold war world.

We are looking for a new mission, and the mission should be clear to us. The world is begging for our leadership and yet, once again, this administration is ducking. There is no reason for it to do so. The opportunities are clear and the liabilities of not doing so, it seems to me, are equally clear.

I hope my colleagues agree to the resolution authored by the distinguished Senator from Massachusetts, which I wholeheartedly support. It is the least that we can do.

Would that we were in a situation where the Senate was in cooperation with the administration and we were going full ahead in a wonderfully cooperative American effort. But we are not. We are back in this confrontation situation all over again, once more because of the administration's inability and unwillingness to lead.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KERRY. In a moment, I will yield time to the distinguished Senator from Montana.

I want to thank my colleague from Tennessee. I know he has more to say and, indeed, I want him to have more time available shortly.

I would also like to thank the Senator from Colorado. There is no Member of the Senate who has a better understanding of all of these issues, particularly in the area of deforestation.

When we held our international Conference on Global International Issues a few years ago, Senator WIRTH was one of the sponsors of that. If I recall it correctly, he led one of the panels. I believe it was on deforestation. His contributions have been very significant in that field.

I yield to the Senator from Montana, the chairman of the subcommittee in the area of environment and public works, for a period of 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

#### BUSH ATTENDANCE AT EARTH SUMMIT

Mr. BAUCUS. Mr. President, the largest international meeting on the environment in 20 years will convene this June in Brazil. This Earth summit—the first since 1972—is a rare opportunity for leaders of the world to start solving the globe's pressing environmental problems. Many heads of state have committed to attend this important event.

But not our President. When asked if he would attend, he waffled. He said that he is in the middle of an election year and may need to stay home.

If he would stay here so he could implement the Clean Air Act he so proudly signed a year and a half ago, I would support him. But the reality is that the environment President has lost his credentials.

The White House has repeatedly blocked EPA from releasing regulations, despite the explicit deadlines in the law. This creates uncertainty and leaves States and industries potentially subject to sanctions for not meeting the requirements of the act. Meanwhile, Americans continue to breathe the air so polluted it threatens their health.

The White House has pushed EPA to violate nearly three dozen statutory deadlines—35 to be exact—in the 16 months since the Clean Air Act was signed into law.

And to make matters worse, in one of the few actions the President did take, he explicitly violated the law. He decided to excuse car makers from installing canisters in cars that capture toxic and smog-forming vapors. This illegal decision was made only days before the Michigan primary.

The President used partisan politics as an excuse to pollute. The President has sacrificed the health of Americans in the search for more delegates at the convention. Perhaps we should not be surprised, since the President recently said we would do anything to be re-elected.

It has become so outrageous that one of the House conferees is suing the Bush administration to get them to comply with the law.

We hear the President is backing away from his commitment to cleaner air for all Americans because he fears the economic impact.

Yet research conducted for EPA shows that the Clean Air Act creates jobs. If properly implemented, it will spur growth, particularly in the pollution control industry. And the technologies and jobs created by this demand will help improve our balance of trade—something we need to do.

So with his record, I can understand why the President would not go to Rio. If he goes, his inaction on clean air—and on global warming—would be all too clearly displayed.

But avoiding the Earth summit will not immunize him from criticisms at home on his environmental record.

In signing the Clean Air Act, he promised us cleaner air. Now he is breaking his promise and going back on his word. That is not something we do in Montana. Nor should we tolerate it in Washington.

#### COMMITTEE AMENDMENTS AGREED TO

The ACTING PRESIDENT pro tempore. Without objection, the question occurs on agreeing to the committee amendments.

The committee amendments were agreed to.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming is recognized.

#### AMENDMENT NO. 1758

Mr. WALLOP. Mr. President, I send an amendment to the desk for Mr. GORTON and Mr. HATFIELD and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for Mr. GORTON (for himself and Mr. HATFIELD), proposes an amendment numbered 1758.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Insert the following new paragraph after paragraph (5) and renumber succeeding paragraphs accordingly:

"(6) support the creation of an International Northern Forests Organization whose principal purpose shall be to study the linkages among international trade in forest products, the management of northern forests and the regional and global environment in order to assist member countries in the development of sustainable forest management policies."

#### INTERNATIONAL NORTHERN FOREST ORGANIZATION

Mr. GORTON. Mr. President, for the past 10 to 15 years, tropical forests have remained at the focus of the international environmental community. This focus is certainly warranted. Developing countries must manage their tropical forests under unprecedented international pressure—economic, social, political, and resource pressure.

Temperate forests, like those in North America generally and the Pacific Northwest specifically, and boreal forests, such as those in the Soviet Union, are being increasingly burdened by international pressures—albeit very different pressures than those borne by tropical forests. It is now time for the international community to recognize these pressures and to address them through the creation of an International Northern Forests Organization, or INFO.

In June of this year, the world's attention will turn to Brazil and the U.N. Conference on the Environment and Development, or UNCED. World leaders are preparing the agenda for discussion at the UNCED Conference and are laying the foundation for an international agreement. It is my hope that the International Northern Forests Organization will be among the topics discussed and will be included in any agreement reached. To that end, I am introducing an amendment to Senate Concurrent Resolution 89 expressing the sense of Congress that the administration should support the creation of such an international organization.

As I see it, Mr. President, an International Northern Forests Organization should be created with five objectives in mind: First, INFO will study the linkages among international trade, the management of northern forests, and the global and regional environment; second, INFO will act as a clearinghouse, sharing research among member countries; third, INFO will monitor and collect scientific data from northern forests; fourth, INFO will serve as a mediator, enhancing communication among the forestry agencies of member countries; and fifth, INFO will assist member countries in the development of forest policy.

The World Wildlife Fund envisions the creation of a World Forest Council. The World Forest Council model suggests a temperate forest secretariat and INFO would satisfy the model, but go one step further to include boreal forests. Boreal forests grow in the far northern reaches of the Soviet Union, Canada, Alaska, and Asia. With an increase in trade between these regions and the United States, we cannot forget boreal forests. That is why I would combine them with temperate forests into a northern forests organization.

Nowhere in the United States is trade in wood products more important than in the Pacific Northwest. In Washington State, trade equals jobs. An International Northern Forests Organization, emphasizing linkages between trade, forest management, and the environment, makes sense for the world's economy, but makes the most sense for the Pacific Northwest. That is why I also propose that INFO be headquartered in the Pacific Northwest, in either Oregon or Washington. To that end, members of the Oregon and Washington delegation wrote to Curtis Bohlen, Assistant Secretary of State and U.S. delegate to UNCED, earlier this week. In our letter, we urge that the administration support the creation of INFO and headquarter the organization in the Pacific Northwest. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. The Northwest's forests are the most productive in the world and an organization like INFO will prove that to the world's markets. We must compete in a global economy while creating economic opportunity at home. An International Northern Forests Organization in the Pacific Northwest will help this country compete and grow.

Mr. President, this effort cannot succeed without cooperation at the highest levels. I commend my colleagues here in the Senate to acknowledge the importance of an International Northern Forests Organization. I ask for support from the administration. And I ask that the United Nations place the merits of an International Northern Forests Organization on its agenda for discussion at UNCED this June. This is an organization whose time has come. Please lend it your support.

#### EXHIBIT 1

CONGRESS OF THE UNITED STATES,  
Washington, DC, March 31, 1992.

Hon. CURTIS BOHLEN,  
Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC.

DEAR MR. BOHLEN: We are writing to urge you to support the creation of an international organization in the Pacific Northwest focused on the world's temperate and boreal (northern) forests.

For years, the world has focused on the development of policies to manage tropical forests and it has overlooked the important linkages between tropical forest management and the management of temperate forests. Since temperate forests, and particularly those in the northern hemisphere, contribute a significant amount of the world's wood products, we believe the linkages between international trade in northern wood products and the environment should play a larger role in the international debate over the world's forests.

As preparations are made for the United Nations Conference on Environment and Development, we urge you to use this opportunity to promote the creation of an international organization focused on the world's temperate and boreal forests. This organization should be headquartered in the Pacific Northwest and referred to as the International Northern Forests Organization (INFO). We believe the Pacific Northwest is the most appropriate place to locate such an organization due to our wealth of expertise in the field of forest management and the tremendous productivity of our forests.

We envision that such an international organization would pursue the following purposes: studying the linkages between international trade in northern forest products, the management of northern forests, and the impacts on the regional and global environment; sharing such research among member countries; monitoring and collecting scientific data from northern forests; enhancing communication among forestry institutions of member countries; and developing sustainable forest policies for member countries.

We believe that INFO would be consistent with a model proposed by the World Wildlife Fund for the creation of a World Forest Council. Their model would establish three international entities, including an international temperate forest organization.

Both the U.S. House of Representatives and the Senate are preparing resolutions setting forth general principles for discussion at the UNCED Conference in Brazil this June. We support language that has been included in the Senate version of the resolution supporting the creation of INFO. That language is attached for your reference.

We urge you to support the creation of this important organization.

Sincerely,

Brock Adams, Thomas S. Foley, Mike Kopetski, Pete DeFazio, Jolene Unsoeld, Jim McDermott, Les AuCoin, Slade Gorton, Bob Packwood, John Miller, Bob Smith, Al Swift, Norm Dicks.

Mr. WALLOP. Mr. President, it is my understanding the Senator from Washington has worked this amendment out with the chairman of the committee.

Mr. KERRY. Mr. President, we do accept the amendment. During conversations with the junior Senator from Washington in whose name the amendment was offered, we came to an agreement to drop language that suggested that the new organization on forestry be modeled after the existing International Tropical Timber Organization.

It is my own hope, actually, that the new organization which this resolution calls for, for northern forests, would be far more vigorous and successful in conserving forestry resources than the ITTO, and it would include ample representation from respected scientific and environmental organizations.

Having said that, we have no problem at all with the amendment, and we are willing to accept it.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1758) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1759

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1759.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

To Senate Concurrent Resolution 89, to express the sense of the Congress concerning the United Nations Conference on Environmental and Development.

In the first "Whereas" clause, after "by" insert the following: "the potential for harmful", and after "change," insert the following: "and".



Mr. WALLOP. Mr. President, this amendment addresses the language in the preamble which could create the impression that the science is complete and that there is consensus that the Earth is currently threatened by global climate change. This is still an issue in dispute. The science community is engaged in the very active debate on the potential for global climate change and its effects.

Next month, the Senate Energy Committee will hold another hearing on global climate change, and this will be an appropriate opportunity to debate the science of it.

My amendment reflects my uncertainty, only adding the concept of potential to the threat of climate change.

Mr. KERRY. Mr. President, the point of the author of the amendment is that there is no scientific certainty about the precise extent and timing of the environmental threat that is posed by global climate change. That extent is clearly an uncertainty.

I would note, as we accept this amendment—I think both the Senator from Tennessee and I would have further comments to make regarding this—that uncertainty is absolutely no grounds for complacency or inaction given the other evidence that we have and the certainty of change itself.

However, I think the point being made in the amendment by the Senator from Wyoming is a fair one. So we have no quarrel with the proposed change.

The ACTING PRESIDENT pro tempore. Without objection, the amendment to the preamble will be in order.

The question is on agreeing to the amendment.

The amendment (No. 1759) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1760

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1760.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

To Senate Concurrent Resolution 89, to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

On page 4, line 22, after "support" insert the following: "the voluntary", and on page 5, line 3, after "new" insert the following: "voluntary".

Mr. WALLOP. Mr. President, one of the more contentious issues at the Earth summit is the debate over a mandatory international development fund. This is the major goal of the Group of 77, and the United States cannot support a new international entitlement program, a program which would be funded by our taxpayers.

This amendment changes the language in the resolution to ensure that any international assistance would be voluntary. I believe it has the support of the committee.

Mr. KERRY. Mr. President, again, this does have the support of the committee. I guess these things fall into the realm of interpretation, as they always do here, when dealing with words and intentions. We do accept this amendment, but we recognize also that clearly there will be costs associated with the environmental planning and protection measures that are likely to be recommended at this conference, and many of us want those measures to be recommended and clearly we want us to be party to it.

But, obviously, if we are a party to it by virtue of signing it, we will have done so voluntarily. No other nation can mandate that we accept some specific plan or program. So, again, it comes down to the very essence of what we are debating, which is really what is going to come out of there, what are we going to require ourselves to do, and what kind of leadership will we present?

The resolution, as we submitted it, was not intended to recommend that the President commit us to financial support of a type that is inconsistent with our own constitutional processes and procedures.

So we find this amendment to be consistent with that understanding and, therefore, it poses no problem for us to accept.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1760) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, the resolution under consideration involves a serious topic, that of the global environment, and contentious policies in particular, whether the economic progress of America will be subjected to the control of an international bureaucracy.

One objective of the Earth summit conference not only involves ratification of general principles regarding the state of the global environment, but the conference also intends to approve binding resolutions on several major environmental issues.

By agreeing to this resolution, the Senate is simply recognizing the need to act globally, to seek global cooperation on environmental problems. The Senate is not urging the administration to accept binding agreements which mandate the United States to take actions promoting political postures not in our national interest.

One of the objectives of the Group of 77, the negotiating organization for developing countries, is to enact two mandatory international agreements.

The first provision is the global environmental fund, which we have discussed earlier today. The second issue is a mandatory cap on carbon dioxide emissions. This last and very peculiar proposal is based on the interpretation of some—and I say some—scientific research on the possibility of global warming. The science is tailored to fit a political purpose. More accurately, science has been perverted by individuals and organizations who prefer global government to global cooperation.

The advocates have perverted the science in several ways. First, they have insisted that only carbon dioxide be considered. If you accept their theory on global warming, then all the greenhouse gases should be included in a plan to reduce their emissions. Carbon dioxide accounts for only half of all the greenhouse gas emissions. The negotiations on global climate change only focus on this one so-called culprit.

The second problem lies with the solution proposed by the Group of 77. They want to cap carbon dioxide emissions, but only for OECD countries; that is, the developed nations. Yet, the major growth in greenhouse gas emissions over the next 50 years will occur in the Group of 77 nations.

Mr. President, I ask unanimous consent that a table showing the growth in their portion of greenhouse gas emissions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONTRIBUTION TO ANNUAL GLOBAL GREENHOUSE GAS EMISSIONS

Any unilateral action by the United States would have little, if any, impact on total greenhouse gas emissions over the next few decades.

Major increases in greenhouse gas emissions will come from the developing world and Eastern Europe over the next 50 years.

The U.S. percentage of greenhouse gas emissions has decreased dramatically over the past 40 years, when compared to other economics.

#### CONTRIBUTION TO GREENHOUSE GAS EMISSIONS (In percent)

	1985	2000	2015	2050
United States .....	21	19	16	12
Western Europe .....	22	19	16	12
CIS .....	22	22	19	18
China .....	10	13	16	21
Developing world .....	25	28	32	37

Mr. WALLOP. Mr. President, if global warming is occurring, and if it is

harmful, the UNCED solution will do nothing to solve this potential problem. This is a dispute that will continue up to the Rio Conference. In the resolution we are debating today, reference is made to the threat of global climate change and the necessity to "support an international convention to reduce the threat of global climate change."

I inquire of the sponsor what he would view as the components of such an international convention; in particular, does this resolution support a mandatory cap on carbon dioxide emissions for the United States?

Mr. KERRY. I will reply to the Senator from Wyoming simply referring him to the text of the resolution itself, it calls upon the President to "support an international convention to reduce the threat of global climate change." The resolution does not specify the precise means by which that reduction ought to be obtained.

Mr. WALLOP. I thank the Senator.

Mr. President, does the resolution support mandatory controls on the economic growth of the United States?

Mr. KERRY. The answer to that, Mr. President, is absolutely, clearly, no. There is no way it could, and I do not know of any serious proposal connected with UNCED that seeks to do that.

Mr. WALLOP. Mr. President, lastly, does the resolution support greenhouse gas emissions by all nations?

Mr. KERRY. The answer to that, Mr. President, is that the resolution does not refer specifically to greenhouse gas emissions other than to urge support for a reduction in the threat of global climate change. Obviously, appropriate controls on greenhouse gas emissions, taking into account the various stages of development in the various nations, is one way of achieving that goal. And there are many, obviously, who advocate that.

But I would add, moreover, that the United States can and should take environmental policies very much into account with respect to these other nations when considering requests from them with respect to bilateral and multilateral developmental aid.

I also add, if I may, that the Senator from Wyoming is correct in pointing out that there are caveats here and there, and there is language within some of the efforts of other nations to try to set different standards.

I do not disagree with that. The question here, really, that I think the Senator from Tennessee and I are proposing is why we are not taking a more forceful role to try to change that and to lead with respect to it. But the answer to his question is that it does not refer specifically to those greenhouse gas emissions.

Mr. WALLOP. Mr. President, I thank the Senator from Massachusetts. I yield back the floor.

Mr. KERRY. Mr. President, I ask what the status of the time allocation currently is.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Massachusetts has 48 minutes. The Senator from Wyoming has 56 minutes.

Mr. KERRY. Mr. President, I yield to the Senator from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. GORE. I thank the Chair.

I want to respond to some of the comments made by the Senator from Wyoming Earlier, and specifically I want to address this question of whether or not CO<sub>2</sub> emissions into the atmosphere cause climate change. Indeed, as we have all agreed here this morning, there is a consensus in the international scientific community that if the accumulation of greenhouse gases, principally CO<sub>2</sub>, continues, then there will be warming and climate change. The question of whether or not the warming, which has already taken place since the industrial revolution, is in fact caused by the accumulation of greenhouse gases is a separate question. Although many scientists believe very strongly that indeed they are linked, that should be identified as a separate question.

But let me put this into perspective, Mr. President. I brought a graph, and it is not nearly as complicated as it looks. May I begin by explaining that there are really only two lines on this graph. The top one is carbon dioxide and the bottom one is temperature. Bear with me for a moment, Mr. President, as I explain from where this comes. In Antarctica, scientists have drilled cores down through more than 2 miles of ice, and they have found that it is possible to take the small bubbles or air trapped in the ice each year by the snow that falls and reconstruct a record of CO<sub>2</sub> in the atmosphere going back through the last two ice ages to 160,000 years ago. By comparing the ratio of oxygen 16 to oxygen 18 isotopes, they are able also to reconstruct a precise record of temperature year by year going back 160,000 years.

Now, the bottom line, the temperature line, reflects the last ice age here, and the next to last ice age 150,000 years ago here, and the period of great warming in between the ice ages there. For purposes of reference, in New York City—or in Wyoming, for that matter—the difference between a nice day like today is here. This is the difference between a nice day and having 1 mile of ice over your head. That is what the difference in temperature range of an ice age reflects.

On the CO<sub>2</sub> line, the concentration of CO<sub>2</sub> in the atmosphere have gone from roughly 200 parts per million during the ice ages up to 300 parts per million during the period of great warming in between the ice ages.

Now, there are two points that I would like to make with this graph.

The first point is these two lines appear to move up and down together. There is continuing debate about the nature of the causality and the precise nature of the relationship between these two lines, but they are related. They go up and down together.

Now, the second point is that CO<sub>2</sub> concentrations in the atmosphere are being pushed up dramatically. All of the oil well fires in Kuwait put together represented on the worst day less than 1 percent of the pollution and greenhouse gases that we put into the atmosphere of the Earth worldwide every day. So when people say, "Isn't it great we put out those fires in Kuwait," yes, it is, but we put 100 times that quantity into the atmosphere today, and we will tomorrow and the next day. We have to do something about it because the net result is we are increasing carbon dioxide in the atmosphere at an absurd rate, and we now know from the scientific studies that we will likely see a doubling of CO<sub>2</sub> within about 40 years, give or take a few years. That is not controversial. There are many things about which there is an argument, but all sides of the debate agree that we will double CO<sub>2</sub> in the atmosphere in about 40 years.

Now, here is what that looks like on this graph, Mr. President. The CO<sub>2</sub> line will go up past—it is already past the 300 parts per million that occurred during the last great warming period between the two ice ages, and it is going up and it will go up further until it reaches 600 parts per million in about 40 years. That is at the top of that line.

Now, Mr. President, Is it OK to do this? The assumption is, by those who say we do not have a problem with global climate change, it is probably OK to push CO<sub>2</sub> concentrations up to this absurd level. My point is not that this will automatically increase temperatures up to that level. It will not. But who bears the burden of proof that temperatures will not be pushed up worldwide as scientists say they will? Who bears the burden of proof to say that this is all right or not all right? All over the world mountain glaciers are retreating right now because of the warming.

I am prepared to stipulate that this past winter was by far the warmest winter in recorded history was probably a coincidence, because the yearly fluctuation is so great you cannot reach any conclusion on the basis of 1 year. The fact that the last 2 years represented the hottest 24-month period in recorded history may also be a coincidence. The fact that 8 of the 10 hottest years in recorded history have been within the last 12 years, that begins to raise questions.

We had testimony in the Science Subcommittee of the Commerce Committee, where the world's leading expert on these mountain glaciers just



completed a 20-year study showing that the last 50 years represents by far the hottest 50-year period in the last 12,000 years which is as far back as his study goes. Is that a coincidence? Do you remember that stone age hunter that was found in the Alps? He has been there for 5,500 years, laying there in the mountain pass. Why did we not notice that guy before? Because the ice there has not melted in 5,500 years.

Mr. President, we are already at this level. Are we prepared to look our children in the eye, and say we knew we were doing this; we knew that carbon dioxide and temperature have moved up and down in lockstep for as far back as we can measure; and, we just assumed that it would be perfectly all right to take this kind of risk with your future?

It is unethical, Mr. President. It is totally unethical. The real reason we are willing to allow this to occur is because we are unwilling to consider the steps that will be necessary to prevent it.

That is what the Earth summit is all about. Will the world confront reality? Dire Straits, the rock and roll group, has a line in one of their songs—my friend Carl Sagan quotes it often—"Denial ain't just a river in Egypt." It is a psychological strategy for sticking your head in the sand. That is what many in the world are doing on this question.

The Earth summit is the time and place to confront this crisis because, in truth, it is not all right to push CO<sub>2</sub> up to those levels. It is crazy, unethical, and wrong.

In my religious tradition, Mr. President, if you will allow me to make a personal reference to my faith, there is a Gospel, a parable in three of the four Gospels called the Parable of the Unfaithful Servant. A master leaves on a journey and tells his servant to take care of the house. "If while I am on the trip," he says, "vandals come and ransack this house, it will not be a sufficient excuse for you to say 'I was asleep.'"

If we fail to take action, if we allow President Bush to stonewall the entire world at the Earth summit, refuse to go, refuse to set targets, then we will implicitly be saying we were asleep, and we did not know anything was wrong with this.

Something is wrong with that, Mr. President. We have a responsibility to stop it, and the Earth summit is the place where we can begin to take that action. U.S. leadership is absolutely essential.

Mr. President, I know that others are waiting to speak. I will yield the remainder of my time.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, before the Senator takes down the big spike,

I will just note that given the UNCED conference proposed solution that spike will occur whether or not the treaty that the Senator seeks is signed, because the increase will come from the Third World countries, and there is nothing to contain those and, in fact, if it all takes place that will not change whatsoever. That is one of the problems that some of us have with the proposals to deal only with greenhouse gases in the industrial world.

Mr. GORE. Will the Senator yield for a response?

Mr. WALLOP. A short response.

Mr. GORE. I appreciate that.

There has been a pretty strong agreement in the world that because of the enormous disparity between the north and the south, the fact is that industrial countries emit on average 15 times on a per capita basis the greenhouse gases than in the south. And because the ability to quickly adapt the new technologies in the south is so constrained by the enormous poverty there, the agreement contemplated would be rather like a Montreal Protocol to eliminate CFR's where the industrial countries capable of making the transition obligated themselves to move first and then to provide the assistance necessary for the developing countries to come along as they were able to do so.

The same basic approach is contemplated now with respect to carbon dioxide.

And when the measurement is accurate with respect to methane, the other principal greenhouse gas, the other negotiators have said we will agree to include methane, if we take that part that can be accurately measured. The United States has not been willing to do that either.

So the debate appropriately focuses on carbon dioxide in the industrial countries.

I thank my colleague for yielding.

Mr. WALLOP. Mr. President, I will show the Chair and the Senator from Tennessee, this chart which shows the greenhouse emissions, CO<sub>2</sub> emissions going out to the year 2050. The bottom line is the U.S. emissions, and all U.S. utilities. The next one is the OECD, and the top line rising is that of the Third World countries, the developing countries.

So my statement remains that the spike occurs with or without this treaty.

My guess is that one of the reasons why we do not wish to be bound to the Group of 77 requirements is simply that there is need for the United States and the industrial world to have an economic development possibility of their own throughout this period of time. We should not transfer from the poor of this rich country to the rich of those poor countries. My guess is that is precisely what will happen.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island, the chairman of the Senate Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Thank you, Mr. President.

What is UNCED, and why is it important? The conference was called for by the U.N. General Assembly in December 1989 with the purpose of focusing world attention on the challenges of integrating environmental protection and economic development.

There is both a moral and a practical imperative to this challenge. If you accept, as I do, the proposition that each generation holds the Earth in trust for its successors, then we have an obligation to exercise wise stewardship over our planet. We should exercise, as Gorbachev puts it, "global practices". Now, however, for the first time in history, human beings can alter the ecology of the Earth on a global scale. For the first time in history, we stand to leave our children an Earth with an environment significantly worse than that we inherited, a planet on which we may wreaked permanent harm.

The litany of environmental destruction we are witnessing is depressingly long.

Much as the U.S. Government engages in deficit spending with its budget, we are engaged in deficit spending with the environment on a global scale. We are squandering our children's inheritance to feed our own insatiable appetites. While it may be possible for future generations to repay the Federal debt, it is by no means clear that they will be able to repair the environmental damage we have caused. In my view, this situation is unacceptable. We must take action now to ensure that our successors will benefit from—rather than pay for—our generation's time on Earth.

There is also a practical reason to respond to the challenges posed at UNCED. Frankly, it is in our own interest. Global environmental degradation poses direct threat to the health and well-being of each of us. In the northeastern United States, we are witnessing ozone thinning and possibly even the first ozone hole outside of the Antarctic. This places millions of Americans under increased risk of contracting skin cancer. At the same time, the loss of biological diversity may impede our ability to develop effective remedies for diseases that are presently striking our fellow citizens.

Environmental protection is not just an exercise in risk avoidance, however. It also provides opportunities for economic growth. The United States is a world leader in a variety of environmental technologies. The United States could market these products to the world to the benefit of U.S. workers and companies.

I had hoped that the President would embrace UNCED, exercising the same sort of international leadership that he did so skillfully in the Gulf War. This has not been the case. The administration appears not to have a real compelling interest in UNCED, viewing the meeting more as an obstacle than an opportunity. This President, who announced that he would be the "environmental President," clearly does not consider protection of the global environment part of the new world order.

That is unfortunate and stands in marked contrast to U.S. participation in the predecessor to UNCED, the 1972 Stockholm Conference. I attended that conference as a U.S. delegate and can well remember the sense of excitement and purpose that accompanied our mission.

This time, 20 years later, as a follow up conference, we in the Senate are not appointed as delegates. We are, I believe, only observers. I think this shows the lessening of interest on the part of the administration in this regard.

In part because of U.S. efforts, the conference marked a turning point in international awareness and appreciation of environmental threats both on the national and international level. In one of its great successes, the conference led to the creation of the U.N. Environment Programme, in my view one of the most important of the U.N. agencies. For its work on protecting the ozone layer alone, the agency has more than justified U.S. financial support.

As the world struggles to deal with global environmental threats, it is my hope that we will be able to strengthen international structures for addressing these problems. It is really only through such multilateral measures that global environmental threats can be addressed effectively.

Mr. President, the agenda at UNCED is far more ambitious than that in Stockholm in 1972. I think it is important that the United States articulate a clear set of objectives for the conference, and I believe this resolution does that. The resolution was reported from the Committee on Foreign Relations without objection, and I urge my colleagues to support its adoption.

On a related note, I congratulate Senator GORE for his fine work to date as chairman of the Senate UNCED Observer Group. During debate this morning, the Senator has again ably demonstrated his grasp of the environmental challenges facing our world today. I look forward to continuing to work with him on the Observer Group.

As a final observation, I would say that we should view UNCED more as a starting point, rather than a finishing point for discussions on environmental protection and economic development. The issues on the agenda are extraordinarily complex. We cannot expect

them to be addressed fully and effectively in one meeting. I hope what UNCED will bring about is an ongoing dialog between developed and developing nations that will promote environmental protection and economic development.

I hope, too, just as we have waited 20 years between the last conference and this conference, that it will not be another 20 years before we have the next conference on this subject.

I yield the floor.

Mr. KERRY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. KERRY. The Senator from Wyoming?

The PRESIDING OFFICER. The Senator from Wyoming has 52 minutes.

Mr. WALLOP. Mr. President, I yield 15 minutes to the Senator from Massachusetts off of the time of the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has yielded 15 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator for the gracious gesture. I appreciate that very much.

I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. I thank my colleague from Massachusetts. I congratulate him on his leadership on this bill, and I am pleased to be an original cosponsor of it.

Mr. President, we are clearly in a time of transition in world events and, as such, we are feeling our way to what the order of the new world will truly be. In our own domestic political environment, we have heard echos of politics of an earlier time which calls for a policy of America first.

I have been thinking about another probably idealistic foreign policy call of another time for one world. There was a group of people in our country who advocated a one world foreign policy—a dream probably, an ideal which was out of our reach. Yet, as we come to appreciate the reality of the global environmental threat that we face, we realize in a way that I think we have not before over the history of the human species on this planet, with all of our preoccupation with nationalism and our inclination to division and conflict, that we are indeed inhabiting one world, one environment. What happens in the United States affects people in China. What happens in Africa affects people in Latin America, and so on and so forth.

Hopefully, this reality of global environmental pressures and threats will lead us not just idealistically, but practically, to work together against a common enemy, all of the nations throughout the world, and that com-

mon enemy is environmental degradation, which will lead to human sickness and a lack of safety for the human species. That is one reason why so many of us here in the Senate are so disappointed by the failure of this administration to take a leadership role, as we approach the international environmental conference in Rio.

As the world prepares for a global environmental conference, the Bush administration has made the United States the major obstacle to meaningful international action to forestall the potentially irreversible increases in the Earth's temperature. With the exception of Turkey, the United States remains alone among the developed nations opposing control of carbon dioxide emissions.

Unlike our administration, these other countries are heeding the words of our experts. The National Academy of Sciences has concluded: "Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now." An international panel of scientists convened by the United Nations predicts that if humans continue to pour heat trapping gases like carbon dioxide into the air at the present rate, they will cause the average surface temperature of the Earth to rise 3 to 8 degrees Fahrenheit by the end of the next century. This is a rate of change 10 times greater than the natural changes of the last 10,000 years, and it would push the global temperatures higher than they have been in 150,000 years. The panel concluded that they were certain that emissions resulting from human activities will result in an additional warming of the Earth.

Experts from around the world agree that climate changes might have devastating impacts on our ecosystems, our health, our plant and animal life and our supply of food and drinking water. The potential effects of climate change include increased frequency and severity of droughts and hurricanes, reduced agricultural productivity, flood of coastal areas and wetlands, elimination of many tree and animal species, inundation of drinking water aquifers with salt water and loss of important natural ecosystems. Thomas Lovejoy of the Smithsonian has stated:

If the projected rates of climate change have any validity at all, then we have no historical evidence of species being able to disperse at that rate.

There are already a number of coastal communities and island nations that are threatened with being inundated from the rise in sea level. For example, four islands in the Maldives have been evacuated because they are being flooded by rising waters. These countries are coming to the international meetings and pleading for their continued ability to exist.

The Bush administration contends that controlling global warming would



wreak economic havoc in this country. But the experts including the administration's own Environmental Protection Agency do not support this conclusion. Efforts to head off global warming could actually save money or turn a profit in the long run. Harvard economist Robert Stavins has stated:

To ignore the economic opportunities is to fail to seize the moment, to become paralyzed by exclusive focus on one side of the economic ledger.

Leading studies by experts conclude that carbon dioxide emissions can be cut at little or no cost to our economy.

The National Academy of Sciences report, "Policy Implications of Global Warming," concludes that "the United States could reduce or offset its greenhouse gas emissions by between 10 and 40 percent of 1990 levels at low cost at some net savings." Many of the control measures set forth by the National Academy of Sciences are those this Senate already has adopted in the energy and surface transportation legislation: Improving the efficiency of buildings and appliances, reforming public utility regulation to encourage electrical utilities to promote efficiency and conservation, strengthening Federal and State support of mass transit, among other measures. The National Academy finds that "the efficiency of practically every end use of energy can be improved relatively inexpensively."

The Congressional Office of Technology in its report, "Changing by Degrees," examined 100 different technical options to reduce carbon dioxide emissions. In congressional testimony, OTA reported that even under its most conservative scenario, carbon dioxide emissions levels could be frozen at 1987 levels through 2005 at no cost to the economy.

The Environmental Protection Agency's Green Lights Program provided another example. The program's goal is to prevent pollution by encouraging major U.S. institutions—businesses, governments and other organizations—to use energy-efficient lighting. Because lighting is such a large consumer of electricity—about 25 percent of the national total—and so wasteful—more than half the electricity used for lighting is wasted by inefficient technology and design practices—the EPA tells us that the Green Lights Program offers a substantial opportunity to prevent pollution and to do so at a profit. Under the program, EPA asks major institutions to sign a memorandum of understanding with the Agency, in which the signatory commits to install energy efficient lighting in 90 percent of their space nationwide over a 5-year period, but only where it is profitable and where lighting quality is maintained. EPA, in turn, offers technical assistance. According to the EPA, if energy efficient lighting were used wherever profitable, the Nation's demand for

electricity could be cut by more than 10 percent, leading to 4 to 7 percent reductions in the emissions of carbon dioxide.

Other individual companies have made firm commitments. Last spring, Mayor Bradley of Los Angeles announced that the department of water power and the Southern California Edison Co. had pledged to reduce carbon dioxide emissions by 20 percent by the year 2010 with at least half of those reductions to be achieved by the year 2000. That program would actually reduce carbon dioxide emissions by more than 40 percent when compared with projected levels.

The chairman of Southern California Edison stated in making this commitment:

Taking prudent, reasonable economic steps to reduce CO<sub>2</sub> emissions are warranted by current scientific understanding of the potential for global warming. \* \* \* We believe (our actions) make good environmental, scientific, and business sense.

Mr. President, these studies and commitments by industry show that this administration's refusal to negotiate any concrete target or timetable for control of carbon dioxide not only threatens the future of the entire planet but does not make sense from an economic standpoint as well.

Mr. KERRY. Mr. President, I yield 5 minutes to the senior Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I join in support of this resolution by Senator KERRY, and I urge President Bush to do the right thing on this important environmental conference in Rio.

It is time for the "Environmental President" to live up to his rhetoric. The United States should be the world leader in addressing environmental problems that cut across national boundaries, instead of being the major obstacle in these international negotiations.

The President prides himself on his ability to persuade foreign leaders to embrace a new world order. But the new world order also includes protection of the natural resources on which the future of the world depends.

It is a national embarrassment that President Bush does not think it is worthwhile to join virtually every other world leader in personally attending the upcoming U.N. Conference on Environment and Development in Rio.

And he has to do more than just show up. As leader of one of the world's primary polluting countries, the President should be helping at that conference to negotiate specific targets and timetables for reducing pollution, in order to achieve real international progress toward our environmental goals. Without the active participation of the United States, this effort involving more than 130 nations will be seriously set back.

The rest of the world is demonstrating a remarkable commitment to address the serious environmental problems we face. Global warming, ozone depletion, deforestation, overpopulation, extinction of animal and plant species, air and water pollution, disposal of hazardous waste—these are just some of the critical problems that demand an active U.S. role in developing adequate solutions in cooperation with other nations.

Recently, scientists reported significant ozone depletion above New England—the first evidence of this phenomenon in a populated area. Increases in the incidence of skin cancer and other serious health problems are likely to result. But the Bush administration maintains its intransigent position, opposing timetables for the reduction and elimination of all ozone-depleting chemicals.

Here at home, the administration has also adopted an extreme anti-environmental position, by imposing a moratorium on new regulations to carry out environmental laws and to protect the public health and safety. It is time for the administration to reject the pleas of polluting industries and their false pretense that America's environmental goals and America's economic goals are mutually exclusive. With every effort to clean up our air, land and water, and to develop new technologies to meet strong environmental standards, more jobs are created and we build a stronger economy for the future.

By adopting this resolution, we will send a strong message to the President, to the American people, and to the rest of the world that the United States is serious about doing its part to clean up the environment and protect it for future generations. It is preposterous for the administration to maintain that every other nation attending the Rio conference is out of step on the environment except Uncle Sam. The empty chair at Rio should not be President Bush's. I urge the Senate to pass this resolution.

I yield back the time that remains to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my distinguished colleague from Massachusetts.

I had understood that the Senate majority leader was about to come to the floor.

Does the Senator from Minnesota require time?

Mr. WELLSTONE. Yes, I would certainly be honored to speak for 5 or 10 minutes if the Senator from Massachusetts will yield.

Mr. KERRY. Because I think the time constraints are lining up, I can yield to the Senator about 4 minutes if that is all right.

Mr. WELLSTONE. Well, I want the Senator from Massachusetts to know that I was a teacher. It is hard to do this in 4 minutes. That is fine. I will do my very best.

Mr. President, I rise to express my support for this Senate Concurrent Resolution 89, and I thank Senator KERRY and I also thank Senator PELL for their work.

The question is, What is at stake? And I think sometimes when we give speeches on the floor it is not always clear as to what is at stake. But what is at stake when we talk about this U.N. Conference on the Environment and Development is our future and this Earth planet that our children are going to inherit.

Mr. President, I think people in the United States are in many ways way ahead of our Government and way ahead of the politics here in Washington. When I was in New York last month sitting in on some of the work that is being done at the United Nations, I met with representatives from other countries and they kept saying to me—and I think the Senator from Massachusetts would be interested in this—they kept saying, does your Government not care about the environment? Where is the commitment to doing something about global climate change? Where is the commitment of doing something about deforestation?

I said I really believe people in my country care fiercely about this.

I want to make it very clear that this resolution, this Earth summit is not about left or right or not about consumers versus business. The calamities that we face, if we take no action, know no borders, and they favor no ideology. Our future is our common ground.

Mr. President, this last decade was the decade of the denial, and this next decade has to be the decade of decision. Preparations for Brazil began 2 years ago and there were many people who said that if by the fall of 1991 we did not have some specific commitments, we would not get very far.

I rise on the floor today to make it very clear that I hope—and certainly as one Member of our delegation that will attend this conference that the conference in Rio—the Earth summit will not become just one gigantic press conference, I hope it will not become just a script for people that attend.

Two months ago, I spoke at a town forum in Minnesota. I was really proud of the fact that hundreds of people showed up and I spoke with Ambassador Ryan who was head of the U.S. negotiating team for UNCED, and I said to the Ambassador that if this Earth summit is not successful, if we do not take some international collective action that is real, that is concrete, to problems that people care fiercely about, then I do believe that the administration will come in for a tremendous amount of blame, and I do believe that blame will be deserved.

It makes no sense to me that even as I speak today there has been no commitment set to a target and a time-

table to do something about global climate change that will have catastrophic consequences for all of our children and for all God's children on this planet Earth. It makes no sense to me that the administration is unwilling to entertain proposals that have the slightest discomfort for large corporations in our country.

So, Mr. President, let me conclude this way: People in our country want action. They want Presidential leadership, not Presidential rhetoric. They want to see specific and effective international agreements, not policy declarations. They want to see a convention to reduce the threat of global climate change, not footdragging and excuses. They want to see a global action plan to conserve biological diversity. They want to see progress toward worldwide reforestation, and they want to see the United States of America make a commitment. And they want commitment to renewable energy production and efficient energy use.

Mr. President, I think this resolution is very important. Normally, I am not a big fan of resolutions because it just seems like we talk and talk and talk. But I really think that in our country there is a real collective sense of urgency and foreboding and people know that if we do not take some action and some leadership as a country at this conference, that we will not be doing well for children and grandchildren and all that follow.

It is an important resolution.

Both my colleague from Massachusetts, Senator KERRY, and the esteemed chairman of the Committee on Foreign Relations, Senator PELL, deserve great credit for their work in crafting this resolution and steering it through the legislative process. I was honored to join them as an original cosponsor.

Mr. President, some may ask "What is at stake at the U.N. Conference on Environment and Development?" What is at stake is nothing more or less than our future—and the world our children will inherit. Anyone who reads a newspaper, or watches television, cannot escape realizing that something ominous is happening to the global environment.

Our atmosphere is changing: The 10 warmest years of the past 100 have all occurred since 1973. While scientists cannot say with certainty this is the beginning of global warming, they do warn us that global temperatures are likely to increase in the decades ahead with potentially catastrophic consequences.

The land is changing: According to new estimates, the land available to support growing human populations is in trouble—an area the size of India and China combined has already suffered serious soil degradation. To clear more land, forests are cut even faster, pushing tropical deforestation rates up 50 percent in the past decade.

Animal species are being lost: Today, in just the United States, over 125 species of birds and mammals are threatened with extinction. Worldwide, if current rates continue, approximately 1.5 million species of animals will be doomed to extinction over the next 25 years—100,000 more than have been named by scientists throughout all of history.

Signs of change are all around us, but not change for the better, ominous changes which threaten the health and stability of the environment, the environment which in turn supports all of us.

The health of the global environment is not a left-or-right wing issue, it is not a business versus consumers debate, it must not become a clash of ideologies. The Earth is home to all of us. The calamities we may face if we do not act know no borders, favor no ideology. Our future is our common ground.

The UNCED Conference comes at a critical time—for the past decade we have ignored these critical problems. As Lester Brown of the Worldwatch Institute observes, we have just passed through a decade of denial, a decade typified by the President of the United States saying that trees cause pollution.

Now, we need a decade of action, a decade of commitment to repairing our relationship with the Earth, a decade of commitment to work with the other peoples of our Earth.

A global diplomatic event of this scale takes time and preparation, issues must be discussed and agreements worked out well in advance of the meeting. The preparations for Brazil began more than 2 years ago.

Two years ago, people said that all of the details would have to be worked out by the fall of 1991, or there simply wouldn't be enough time to reach any agreements in Rio. Now, people around the world are hoping that something can be salvaged to make the June summit something more than an international press event, more than another scripted meeting of world dignitaries.

Despite all of the meetings and all of the work by governments and citizen groups, the action agenda for the Earth summit stands on the verge of collapse. The fourth Preparatory Committee meeting in New York has ended without significant agreements. Now, if the governments of the world care to be responsive to the strong public outcry for action, negotiations will have to be conducted at the conference itself, a difficult and unusual procedure for the United Nations.

Mr. President, 2 months ago at a town hall forum in Minneapolis, I spoke with Ambassador Ryan, head of the U.S. negotiating team for UNCED. I expressed much these same sentiments and several hundred Minneso-



tans drove home the message. The bottom line that I expressed to Ambassador Ryan then is even more poignant today given the failure of the negotiations in New York—if the Earth summit falls, the President will have to shoulder much of the responsibility. The White House has dragged its feet throughout the negotiating process: refusing to admit obvious problems exist, refusing to countenance proposals which might bring the slightest discomfort to American business interests, refusing to make a commitment to providing more than a token share of the resources which will be needed to make efforts toward a sustainable society possible.

The White House needs a wakeup call. By passing this resolution, the senate will send one, loud and clear.

People want action now to address global environmental problems.

People want Presidential leadership, not Presidential rhetoric.

People want to see specific and effective international agreements, not hollow policy declarations.

People want a convention to reduce the threat of climate change, not foot dragging and excuses.

People want a global plan to conserve biological diversity, not studies and delays.

People want to see progress toward worldwide reforestation, not the burning and clear cutting of vast expanses of virgin forests.

People want renewable energy sources and energy efficiency technologies to be given top priority, not scant lip service.

As a Member of the Senate who has followed the progress of the UNCED negotiations, I believe that the United States must not just call upon the developing nations to bear the burdens of protecting the global environment, we must also demonstrate our leadership by changing our own sustainable patterns of consumption. Similarly, the Senate should not just call upon the President to be responsive to the public's outcry for action, we should take action here in the Senate in the weeks and months ahead.

Toward these ends, I have introduced legislation which can move the United States toward real reductions in carbon dioxide emissions—S. 2020, the Sustainable Energy Transition Act. S. 2020 would maximize energy efficiency, triple renewable energy production, and decentralize energy decision making. Drafted with the help and inspiration of a large number of Minnesotans, it represents a 20/20 vision for our future.

Mr. President, I urge my colleagues to support this resolution before us today, and then to join with me in supporting action on S. 2020 and other legislation which will demonstrate our commitment to lead our Nation, and the world, toward a more sustainable future.

Today, in the Senate, we take a small step forward. We issue a call for leadership and action by the President of the United States. Let us all hope, for our sake and that of future generations, that it is not too late.

I thank the Senator from Massachusetts, and I thank Senator PELL for their leadership.

The PRESIDING OFFICER (Mr. ROBB). The Senator's time has expired. Who yields time?

The Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, I thank the Senator from Minnesota.

Mr. President, I was trying to see if the majority leader was coming.

I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. KERRY. Mr. President, last week the President's Chief of Domestic Policy, Clayton Yeutter, said that the President would go to Rio if it were productive for him to do so.

I think that most of us are left wondering what that really means. It is almost a passive statement that if someone else does not make it productive, we will not fight to make it productive. If it is productive, only then will we go.

Given what we have seen of the negotiations to date, it seems we are not really working to make it productive. So there is a self-fulfilling prophecy here.

I want to pick up something the Senator from Tennessee said earlier about photo opportunities. I think I also mentioned I do not think any of us are asking the President of the United States to go to Rio just to be there and fill the chair. That is not what is at stake here. We do not need another photo opportunity.

We are asking the President to take a policy to Rio, to be the leader, and to encourage this conference to be productive. It is truly hard to imagine, given the nature of the issues that are on the table, ranging from fishing rights, ocean pollution, ozone depletion, which we know is happening, CFC's to biodiversity and global warming, how we could not deem such a conference to be at least potentially productive unless you are simply distant from the whole concept of an international environmental agenda and what that entails.

Global environmental protection is not going to happen by accident. It is not. It is not something that we can leave up to other people. It is obviously a responsibility that we all have to take ourselves. The United States of America, the leading greenhouse gas emitter, ought to be willing to be present and to be part of the process of leading people to discuss how we will develop into the future.

The time has really come for this generation of Americans to carve out a

legacy of planning and cooperation that is going to pay dividends long after those of us here in the U.S. Congress have gone and certainly long after the Members of this administration have gone.

This resolution is intended as a wake-up call, Mr. President, beginning with the issue of global climate change. The resolution urges the President to support an agreement that actually reduces the threat posed to the environment by that phenomenon.

I believe there are a number of reasons why the United States should be leading on this issue. The first is obvious. It is compelling. Last year, the Union of Concerned Scientists, in a statement signed by 49 Nobel laureates and 700 other distinguished scientists, called climate change "the most serious environmental threat of the 21st century."

The National Academy of Sciences, testifying before Congress, admitted what the Senator from Wyoming keeps reminding us, which is that there is some scientific uncertainty about the subject, but they, even in the face of that uncertainty, recommended a series of actions that are aimed at providing what they called an insurance policy for the planet. The President's own science adviser, Allan Bromley, assured us that the administration's position was that action should be taken now.

The second reason for our need for U.S. leadership on this issue is that we are, as we have been for decades, the leading greenhouse gas emitter, including carbon dioxide, and there is absolutely no way that you can expect other countries to act without our leadership. And there is not only the benefit that you get with respect to global climate change, there is the very obvious benefits you get, literally billions of dollars worth, in terms of the health of our citizens from the cleaner air that they would breathe.

Third, we can afford to act, Mr. President. We can afford to act because our own inefficiency in the use of energy in this country makes it a lot easier for us to deal with the emission of CO<sub>2</sub>. And the National Academy of Sciences has in fact estimated that we could reduce greenhouse emissions by 10 to 40 percent from the 1990 levels at little cost, or perhaps even at a net savings, through conservation and the expanded use of renewable fuels.

Finally, an international agreement to reduce the threat of global climate change is clearly in our interests because the continued lack of guidelines will give a green light to all of the developing nations that they can simply match our past patterns of pollution creation and waste. And make no mistake, if we enter the 21st century with the world population growing by 100 million people a year and no constraints on the release of CO<sub>2</sub>, we may

well be signing the death warrant for the livability of this planet.

This resolution does not seek to dictate the administration's precise negotiating position. It does call on the President to support a convention that will actually reduce the threat posed by global climate change, and we leave it up to his leadership to decide how you best do that. But that clearly requires more than a simple commitment to research. It requires more than a commitment to the status quo, and it requires more than vague and indefinite timetables. It requires—in plain English—action. It requires commitment to reduction and to progress.

Now I know we have heard here on the floor today in the debate that there are those in and outside the administration who say: Wait; we have to do more research. We cannot do it. There is no proof of the extent of damage or rapidity of the damage.

But, Mr. President, we have adopted a principle of environmental affairs that if the probability of damage is of enormous consequence, irreversible, and that probability is as great if you do not do something as if you do, then you ought to do something. You take precautions. And I must tell you the very kind of argument we hear, to say let us wait, is very familiar to all of us in the Senate. We ought to think about that. We heard it for more than 10 years with respect to acid rain, and throughout that time, this unproven potential threat poisoned lakes and polluted streams and injured our forests from the Canadian border to the Mason-Dixon Line. And it was not until last year, finally, that the clean air bill passed and we did something about it, and got the administration to say: Hey, maybe there is a problem.

But guess what, Mr. President? Those 10 years of delay probably drove the price tag for doing something up tenfold or fifteenfold. If we had acted earlier, we would not have faced it. There is a cost to putting off hard choices. I could bring up a dozen other examples. For instance, what if we took environmental considerations into account before we built the nuclear production facilities in Savannah River and Hanford and Rocky Flats? Maybe then, we would not be looking at a \$100 billion price tag for cleanup today.

What if we had made a commitment and stuck to it two decades ago, after the first oil crisis, to really go to work and develop alternative fuels? What if we had moved to phase out CFC's as soon as we knew the risks, instead of waiting years and years until the hole in the ozone layer not only threatened penguins in the Antarctic, but summer residents in Kennebunkport?

It seems to me there is a simple fallacy at work here that is governing much of what we do in Washington, DC—I call it the Scarlett O'Hara syndrome: Put your head in the sand;

avoid it; we will do it tomorrow; it does not matter.

This resolution tries to call on us to worry about this today, and exert the leadership that people expect of us. Between 1960 and 1987, the world's population doubled from 2.5 to 5 billion people. It is expected to double again by the year 2010, hopefully within the lifespans of most of the people here. Ninety-five percent of that growth will be in developing countries. Our planet is somehow going to have a find a way to support those people, and the UN Food and Agriculture Organization estimates that that will require at least a 40-percent increase in farm output by the end of this century just to keep pace. That simply cannot happen without increased risk to the environment through deforestation, soil degradation, desertification, and pollution all resulting from the use of pesticides and other chemicals.

These are facts. These are not subjects for conjecture or future research. These are facts. We know what is happening as a result of those floods that occur by virtue of the deforestation today. We know of the increase of carbon dioxide today by the ripping away of the forest, the burning of them in order to create agricultural land to meet these needs. We are simply not discussing our future, Mr. President, and that is what this resolution seeks to get us to do.

I believe there is much that could come out of Rio, but it depends on the leader of the free world, the President of the United States, who himself stood in the well of Congress recently and told the world that there is now one present, dominant power in the world, the United States of America. And we all clapped.

The question is whether we are going to do more than pat ourselves on the back and applaud? When we are going to fulfill the obligation of leadership and do those things that the people of the world are looking for us to do?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I see the Senator from California would like to speak, and I yield to the Senator from California 5 minutes.

The PRESIDING OFFICER. The Senator from California [Mr. CRANSTON] is recognized for up to 5 minutes.

Mr. CRANSTON. Mr. President, I thank the Senator from Massachusetts.

Mr. President, I strongly support the pending resolution calling upon President Bush to play a more active role in the upcoming Earth summit. The Earth summit—formally known as the United Nations Conference on Environment and Development—will be the first global gathering of heads of state on two issues whose integration is critical to the future of our planet, eco-

nomic development and environmental protection.

The Earth summit holds the promise of being a pivotal event in human history. Why? Because it is a worldwide recognition that humankind cannot continue on the dangerous course we have followed up to now, in which we gobble up the Earth's resources at an ever increasing rate. The patterns of production and consumption in industrialized countries simply cannot be sustained. Much of the deterioration we see in the environment worldwide is due to these patterns. In developing countries where 80 percent of the world's population lives, population growth and poverty are eating away not only at the resources that sustain life—air, water, food—but at human life itself.

So here we have, with the Earth summit, a splendid worldwide effort on the part of nations to put environment at the center of economic decisionmaking in government, industry, and the family. We have a global recognition that economic development and environmental protection must be integrated if the world is to survive. And we have a united—and, I think, thrilling—affirmation that the best way to save the planet is for all nations to start taking cooperative actions that will begin to resolve the most vexing global issues of our times: Biological diversity, global warming, the loss of tropical forests, poverty, population, agriculture, water, resource consumption rates, debt, and technology.

Maurice Strong, Secretary-General of the conference, put it succinctly, when he said:

The Earth summit must establish a whole new basis for relations between rich and poor, North and South, including a concerted attack on poverty as a central priority for the 21st Century. This is now as imperative in terms of our environmental security as it is on moral and humanitarian grounds.

Here is a tailor-made role for U.S. leadership in the Earth summit. No other country in the world consumes natural resources, especially energy, as does the United States. We emit more greenhouse gases, including ozone-depleting chemicals. At the same time, we have capabilities in science and technology and an expertise in environmental management that is the envy of the world. And here are great opportunities for projects, for profits, for jobs for the American people. The American people are the most environmentally conscious citizens of any country. Because of all this, the world looks to the United States as a kind of environmental mentor. It expects us to lead.

But as we enter the last weeks of planning for the Rio conference, the United States is not leading. In fact, the biggest single obstacle to the success of the Earth summit may very well turn out to be the United States. With few exceptions, the United States



has vetoed or otherwise blocked proposal after proposal for international cooperation toward sustainable development and for protection of the global environment. In the negotiating sessions prior to the Earth summit, the United States has said no to all proposals that would create new international institutions, require more or new money, call for sustainable management of natural resources in the United States, or to create new or tougher global agreements on a host of international goals. The goals to which the United States says no include limiting international trade in hazardous wastes, curbing the dumping of radioactive wastes at sea, the support of research and development in renewable energy resources and debt reduction strategies for developing countries that will help protect the global environment.

The United States has even blocked the creation of an Earth charter, a general, nonbinding set of principles to guide economic development and protect the environment.

Possibly the most serious case of U.S. stubbornness is our refusal to negotiate goals and strategies for controlling the emission of greenhouse gases. We are the only industrialized country to oppose carbon dioxide caps and new funding. Because of our intransigence, there may not be a climate change treaty signed in Rio. With an international agreement, global CO<sub>2</sub> emissions could be stabilized or actually decreased over the next 25 or 30 years. But if left unchecked global CO<sub>2</sub> emissions will nearly double in the same period. Bear in mind, Mr. President, that industrialized nations account for three quarters of global CO<sub>2</sub> emissions stemming from energy production and use. Yet industrialized nations have just a quarter of the world's population. For developing countries to follow the development patterns of the industrialized world in the emissions of CO<sub>2</sub> would be disastrous.

So far, President Bush has had little to say on the subject of the Earth summit. He has been stonewalling world leaders who are urging him to join them at the summit. More than 70 heads of state and other leaders will be at Rio, and they know that the absence of the President of the United States would severely harm conference chances for success. But President Bush has balked at attending the Earth summit, making him the only leader of a major nation not planning to be there.

Mr. President, in the last dozen years the rest of the world has passed us by on issues affecting the global environment. The United States once had leadership on the global environment. But under former President Reagan and now President Bush, we have not only lost ground, we have emerged as an outright foe of international environ-

mental cooperation. To say that history will not look kindly on U.S. intransigence is a given. But the length and quality of human history may be diminished by the petty, narrow, and selfish posture of the United States in matters of the global environment.

The American people, and the world, deserve better. This is why I cosponsored the resolution introduced by Senator JOHN KERRY and cosponsored by Senators on both sides of the aisle. The resolution calls upon President Bush to play a strong and active role in the Earth summit. It asks the President to cooperate with foreign governments in preparing for the summit and to support international agreements on global warming, biological diversity, and world forests. This resolution deserves the vote of every Senator. President Bush needs to know that the citizens of the United States demand action on global environment issues, not parochial rhetoric that serves narrow political ends.

Mr. President, I yield the floor.

**THE PRESIDING OFFICER.** Who yields the time? The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. I yield myself such time as I may use.

Mr. President, there is something unappealing about U.S. bashing. The United States remains a world leader in environmental technology and environmental controls. It is absolutely a wrong statement because it is misstated that the United States is the largest polluter in the world. Europe is a larger polluter, and if you are talking about comparable size—of course, Denmark does not pollute as much as America does.

But that is not the point. If people want to find fault continually and persistently with the United States, they can always do it. But I am here to say that I take pride in what America has done in the environmental front of the world. I happen to think that there is no other country that has done a Clean Air Act, that has done so much for cleaning up its water and its rivers, that has signed onto the Montreal Convention that seeks to pass, without the cooperation of some who claim to be in the environmental movement, an energy strategy that could reduce our CO<sub>2</sub> emission a great deal.

The CIS emits more than we do, and they are continuing to pollute. And, Mr. President, if the United States and these vaunted world leaders really wanted to do something that was useful for this environment, they would commit their resources and foreign aid to trying to help these countries reduce their emissions rather than binding and restricting our own economy, allowing India and the Third World to continue on with the release of what they plan. That is really what is at issue here.

Again, I say it is not a statement that is accurate to say that these in-

dustrial world leaders have committed to going to Rio.

Mr. President, some would find fault with this country under any set of circumstances. Others would find reason to say that this is a good and decent country that intends to and continually has abided by its commitment and is not willing to sign international conventions mandating the behavior of the United States when others to that party have conditioned their commitment to 1990 levels of CO<sub>2</sub> on economics, on population, and other fudge words. This country is more decent than that, and it has the courage to stand up and say that we believe that there are better, more effective, more appropriate ways of contributing to solving the problems that the world's environment is suffering.

Mr. President, I ask unanimous consent that a study from the Digest of News from MIT, called "The MIT Reporter," saying, "Has the Globe Really Warmed?" indicating very specifically that there is no evidence that it has, and a Wall Street Journal editorial entitled "Chill Out" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Digest of News From MIT, November-December 1989]

#### HAS THE GLOBE REALLY WARMED?

Since the mid-nineteenth century, merchant-marine captains of all nations have been required to log air and water temperatures every six hours for weather services such as the British Meteorological Office. Crews on each watch have hauled water from the sea in standard buckets, dipped in standard thermometers, recorded the data, and, generally, radioed it back. The result is an incredible storehouse of information about global temperatures since the Industrial Revolution.

Reginald E. Newell, Jane Hsiung, and Wu Zhongxiang of MIT, along with colleagues from the "British Met," as they call it, have collected and analyzed these data. MIT Press intends to publish them in the Global Ocean Surface Temperature Atlas. One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century.

The advantage of ocean readings is that they are not contaminated by urbanization: the growth of structures and roads even in the small towns where many weather stations are located can raise temperatures. Newell explains. Unfortunately, ocean readings are not entirely reliable either. One of the chief problems is that prior to World War II, the buckets for collecting water were made of canvas. As it was hauled onto the deck, the water could be cooled by wind and heated by sun. Christopher Folland of the British Meteorological Office and Jane Hsiung attempted to correct for such problems, for example by measuring the cooling of the buckets at different wind speeds.

Gauging long-term temperature change required more analysis. First, Newell, Hsiung, and Wu needed to measure the cooling caused when volcanoes inject dust and gases into the atmosphere. They discovered an intriguing piece of work that measures the atmospheric "turbidity" from the dust over

the past century. Beginning in the late 1800s, weather stations have used devices known as Campbell-Stokes sunshine recorders that burn a track in a paper card each day, indicating how long the sun was up. Researchers at the University of Mainz in West Germany collected and analyzed numerous such cards, noting particularly the beginning and end of the burn, which correspond to sunrise and sunset. Whenever atmospheric turbidity rose, the burn started later and ended earlier. The weather station in Sonnblick, Austria, almost unaffected by urban pollution at an elevation of 3 kilometers in the Alps, provides a record of turbidity back to 1887.

Newell, Hsiung, and Wu also assessed the periodic change in tropical temperatures caused by the El Niño-Southern Oscillation, a complex of ocean and air currents. Factoring out the effects of the El Niño-Southern Oscillation and the cooling caused by volcanoes, they found that global temperatures have warmed by only 0.2°C over the past century, which is within the estimated margin of error. In other words, the results leave open the possibility that there has been no warming at all.

In a paper based on the same data in *Geophysical Research Letters*, Nicholas E. Newell (Reginald Newell's son) joins the other researchers to examine a third temperature variation: a roughly 22-year cycle of warming and cooling that has occurred since 1856, when the marine data began. This may be caused by the 22-year solar magnetic cycle, during which the sun's magnetic field changes polarity and then returns to its original state. The magnetic cycle is reflected in changing sunspot patterns. When the authors subtract from the basic temperature record all cycles of less than 26 years—the chief one being this 22-year warming-and-cooling pattern—they find "no appreciable difference" between temperatures in 1856 and 1986.

Both studies are at odds with some other research. For example, using land data that attempt to factor out effects of urbanization, James Hansen of NASA Goddard Space Flight Center and Sergei Lebedeff of Sigma Data Services Corp. conclude that the globe has warmed 0.5°C to 0.7°C over the past century.

The conflict is far from resolved. Unfortunately, despite all the models of how global climate may change, there is relatively little funding for research on the actual record. A case in point: though the *Global Ocean Surface Temperature Atlas* has passed peer review and been accepted by MIT Press, so far no sponsor has been willing to provide the modest subsidy that such a technical book often requires for publication—in this case \$60,000.

[From the Wall Street Journal, Nov. 20, 1989]  
CHILL OUT

We keep reading that the debate over the greenhouse effect is "settled" and that all "serious" scientists subscribe to it. Such a strong sense of consensus in science is a remarkable thing, no matter what the subject. We continue to wonder, though, if the greenhouse debate is really over.

In January, for instance, the New York Times publicized a study which reported that there has been no warming trend in the United States over the past century. Scientists at the National Oceanic and Atmospheric Administration reported that since 1895, the climate in the U.S. has grown neither warmer nor colder, wetter nor drier. The chorus quickly responded that the U.S. results are an anomaly, and that when a wider sample came in, its theory would be vindicated.

A wider sample has just arrived. Three MIT scientists—Reginald Newell, Jane Hsiung and Wu Zhongxiang—recently processed ocean-temperature data taken all over the world by merchant mariners since the mid-19th century. Their results were summarized in the current issue of *Technology Review*: "One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century." The computer models that foretell a greenhouse effect predict that there already should have been about a 1.8 degree rise in global temperature. But that hasn't happened. Also, the uncongenial MIT report has been virtually ignored. Science may still be about surveying all the available facts but, increasingly, public policy isn't.

Today, much public policy, especially as practiced by many environmental advocates, is mainly about making doubters or opponents reluctant to challenge the consensus. Strobe Talbott of *Time* magazine, for example, recently announced that "no respectable scientist denies" the greenhouse phenomenon.

No doubt, participants of all stripes in the policy game these days have become frustrated at their inability to enact their agendas. What seems to sometimes work, though, is whipping up a kind of mass-media fervor behind one's ideas. The danger in this is that it may cause the public to think that science is now primarily about politics, and in politics about half the people usually think that you're not telling the truth.

NASA scientist James Hansen is widely credited with launching the highly politicized crisis atmosphere around the greenhouse question. Mr. Hansen went before a congressional committee and said that he was 99% sure that the earth was getting warmer, and he had "a high degree of confidence" that warning was caused by the greenhouse effect. This of course got the desired effect—tremendous press play. But some of Mr. Hansen's scientific colleagues were dismayed.

In an article titled "Hansen vs. the World on the Greenhouse Threat," the journal *Science* reported that Mr. Hansen's colleagues found his greenhouse assertions "unforgivable," largely because of their absolutist certitude. But absolutism ("no respectable scientist denies") is a commandment of modern environmentalism.

Mr. Hansen is a highly respected modeler, but he resists acknowledging the possibility of shortcomings in his computer creation. However as models have begun to grow slightly more realistic recently, the greenhouse predictions have varied enormously. Researchers at the National Center for Atmospheric Research have cut their greenhouse prediction in half. Lacking empirical confirmation of their primitive models, scientists and environmentalists have adopted a fallback position. They say the greenhouse effect may or may not be serious but we should take insurance precautions anyway. But the cost over 20 years has been estimated to run between \$1 trillion and nearly \$4 trillion.

The final greenhouse argument is that it is far cheaper to address the problem now, than later, when information is more reliable. This recalls to mind the 19th-century scientists who worried that the world was running out of coal.

Maybe there's a way out of this:

Let's put all the relevant policy players in a room together—George Bush, John Sununu, Bill Reilly of EPA, Congress and

governors. They'll listen while the top academic climate modelers discuss the available evidence around the greenhouse effect. The public will watch on C-SPAN. And when it's over, the politicians can go before the microphones and tell us what they think is "settled" about global warming and, most important, how much they want to spend on it. We agree with the absolutists. Time is money. Let's settle it.

Mr. WALLOP. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I will just comment that I have not heard one word for one Senator directed at the United States of America. I stand here with as much pride in the accomplishments of the United States of America as the Senator from Wyoming.

Mr. WALLOP. Mr. President, will the Senator yield for just an observation on that? I was speaking in response to the remarks of the Senator from California, which said that the United States was the largest polluting country in the world. I take exception to that, and I find it to be a criticism.

Mr. KERRY. The statement with respect to greenhouse gas emissions from the United States, carbon dioxide and CO<sub>2</sub>, is correct country for country. If you want to play games and pick all of Europe and say, hey, Europe has more, that is a different matter. But those are sovereign nations over there still, notwithstanding the European Common Market.

But I want to make it very clear that there is not one bit of criticism here directed at the Nation. There is criticism directed at an administration. And every significant environmental policy that has passed in this institution that now has the name of U.S. policy in the last few years has passed over the objection of the current resident and past resident of the White House.

The Clean Air Act. I was part of those negotiations in the Senate majority leader's office and I remember how they were pulling back day after day after day from everything we put forward, and even they put forward in public, but to hold on to it in reality was tough. It is over objections that we finally passed much of it.

The Clean Water Act. Most of the significant environmental efforts of this Nation today have been put in place by the U.S. Congress, and the administration has been dragged along kicking and screaming in the process.

So understand, there is not a word of criticism about the Nation here. This is criticism directed at an administration that seems unwilling to lead the Nation and take it where we believe the Nation wants to go in fulfillment of the pride that we have about our policies and our goals and aspirations as a people. I just want to make that very clear at this point.

Now, I understand that majority leader wants to come out to make comments at this time. Rather than sug-



gest the absence of a quorum and lose the time here, I thought I might yield to the Senator from Tennessee and when the majority leader arrives we can accommodate him.

Mr. GORE. I would be happy to do that.

Mr. President, I would just like to continue.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 3 minutes, 27 seconds, total remaining under the control of the Senator from Massachusetts.

Mr. GORE. I thank the Chair.

Following on the remarks just made by the Senator from Massachusetts, even if you take the European Community as a whole and measure the greenhouse gas emissions, they are not close to the United States. The figure is 15 percent of the total for the entire European Community. For the United States, it is 23 percent. The CIS, the former Soviet Union, as a whole, which it is not a whole anymore, but if you take all the former Republics together, that is less than the European Community. So the statement that the United States is by far the largest contributor of greenhouse gases to the global atmosphere is simply a fact.

Again, any criticism implicit in noting that fact is the lack of leadership by President Bush to address that problem.

The Senator from Wyoming is also correct when you look at the subject of pollution. There are some categories of pollution where we have made more progress than anybody else in the world. The Ukraine, as one republic, used to emit eight times as many particulates at low levels than the entire United States of America. In fact, environmental problems can be categorized in three categories, much as military conflicts are. Military historians speak of local battles, regional theatres of action, and global or strategic conflicts like World War II or the cold war. Environmental problems are much the same. We spend a lot of time talking about local air pollution or water pollution problems and most of our laws have been addressed at those local environmental problems. We have recently begun to deal with regional environmental problems like acid rain.

But what is new and what the Earth summit is all about is this new category of global environmental problems, strategic in nature, which must be addressed. The relationship between human civilization and the Earth's ecological system has simply changed because of the population explosion, the scientific and technological revolution, and our assumption that we are somewhat separate from the Earth.

I want to also comment on a statement made earlier by my friend and colleague from Wyoming that Japan has conditioned its commitment to stabilizing at 1990 levels by the year 2000

to a per capita requirement. That used to be their position. In fact, they had a two-headed position; one advocated by MITI, which was as the Senator described it; the other advocated by the environment ministry. Actually, there was a huge public controversy about this in Japan. The ruling party had a convention, they had hearings, and they publicly changed their position. And then the Japanese Government's position changed, and it is no longer conditioned on a per capita requirement because public opinion forced them to change.

Public opinion is having an effect here, too, and I would urge President Bush to interpret the results of this resolution carefully. You know the old Sherlock Holmes story where the mystery is solved by noting the dog that did not bark. Well, if the President is trying to understand whether or not he should go to Rio, he should not the fact that with the exception of—

The PRESIDING OFFICER. The time controlled by the Senator from Massachusetts has expired. The time allocated to the Senator from Tennessee has expired.

Mr. WALLOP. Mr. President, I yield 1 minute to the Senator from Tennessee.

Mr. GORE. I appreciate the generosity of my colleague, especially since I am making a point which has a partisan overtone. But it really has a stronger bipartisan overtone because I was just about to note, for the benefit of President Bush, that at least at this late stage in the debate, while there have been impassioned speeches here and able advocacy by the manager of the bill, with the exception of the advocacy of the able Republican manager of the bill, we have not heard from the other side. That is fine, but I think it reflects the opinion of the American people that they want to see this Nation provide leadership on these global environmental issues. They would like to see President Bush be at the Earth summit.

Mr. President, do not embarrass the United States by letting every other leader in the entire world go to this historic meeting and President Bush be the only leader not there. I compliment my colleagues on the other side of the aisle by sending, through their relative silence in this debate, what I think is a message just as powerful in its way as the statements by the able manager of the bill and by others who have come to the floor to speak.

Mr. President, I suppose I have used up the 1 minute yielded by my colleague and I appreciate that.

The PRESIDING OFFICER. The time allocated to the Senator from Tennessee has expired. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, when the majority leader returns, I will be happy to yield some time to him.

Mr. President, this resolution does not call on the President of the United States to attend the Rio summit. So whatever message he may be taking from this, at best, nonbinding resolution is up for some interpretation. It does call on him to exercise leadership in the negotiations.

I think, Mr. President, that he has done exactly those two things and continues to do them. I would say again that the President of the United States has really prevented the industrial world from capitulating to the developing nations, a Group of 77. I do not know what American here wants to trust the fate of America to 77 countries' decisions on the development of their economies and the control over our environment when their commitment is not to control theirs. That just does not seem to be an unreasonable position on the part of the President of the United States, notwithstanding all the hyperbole that has continued to be raised about this issue.

Now, Mr. President, I would take issue with one other thing that was stated by the able advocates of this resolution, that the President resisted the Clean Air Act. I happened to have gone to Wyoming, with the Grand Teton Mountain in the background, and stood there while he announced it as the centerpiece of his first administration. It was a bill that was introduced with and by the administration's cooperation.

Now, yes, others wanted him to go further than he wanted to go, but it is not an accurate statement to say that he had this bill forced on him. He had provisions of the bill forced on him and some of us are learning to live with that right today because the science in the EPA is a bad group of science on the whole. They tend to launch off on conclusions which they then seek various means of justifying through really what I think can best be called manipulative science.

I just point out this Senator has been, and was from the very beginning, fighting the arguments with regards to asbestos. And now the EPA has changed on that, having cost a school district in my State 2 years with their students out of the classrooms, created more hazard for everybody that was around that school by tearing all the asbestos out. And now they come to the conclusion that in place it is safer than being removed. It cost that school district well over \$1 million. Now, Mr. President, that is not much in the Senate. One million dollars is hardly a noticeable figure. We cannot get down to that few zeros and make sense of it. But in a school district in Wyoming it means real money, it is real education, and it was spent on real frivolity, on bad science and scare tactics.

Now the EPA seeks to do the same thing with radon. We have billboards in my State warning people of radon, but the statistical evidence on radon simply does not bear out the level of threat and expense that they seek to place on this economy. So these are the kinds of things that we can do to ourselves. They can be fought out, and ought to be within the democratic processes of the Senate, the House, and the election arena.

But, Mr. President, signing a binding convention that creates obligations that are real to the United States is a different story. And the President has been exactly right to say go slow, take care what it is that you are trying to get us to do.

If indeed CO<sub>2</sub> is the only greenhouse gas worthy of control, then it is worthy of control in the Third World and developing world as it is here. But to give India, China and others, free license to belch out as much CO<sub>2</sub> as they can while controlling our own economy is simply not a very sensible thing to do, whatever the ultimate goal of that treaty might be.

If the ultimate goal is worthwhile and to reduce CO<sub>2</sub> as one of the greenhouse gases, then by all means let us do it. And we have, Mr. President. We have. We are trying yet to do still more of it in the energy strategy. But it pays, Mr. President, to walk these lines slowly and prudently.

Nobody is saying by being prudent do we have to ignore the environment. Nobody is saying that by walking slowly and prudently are we not leading because, Mr. President, I say again, no other country has done so much to control the environmental hazards existent within their society as has the United States, and continues to lead in that world.

We do not have to have the President of the United States at the conference in Rio being shouted at by Third World countries, and used for propaganda purposes of an international environmental movement which seeks to control the democracies of the world. I happen to believe—and I have no idea what the President of the United States thinks on this—that he is right in exercising caution and making a judgment as to whether, I will not yield.

I have been very generous with the time from this side. I even allowed lots of time to be dealt out of our hand to heap abuse on our President. I am willing to allow the majority leader to heap his abuse, because I know that is what it will be. But I do not see why I should yield for others to do it any further.

Mr. GORE. The Senator has indeed been very generous, and I appreciate it.

Mr. WALLOP. Mr. President, does the Senator from Washington wish any time in particular on his amendment?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SIMPSON. I would request 3 minutes.

Mr. WALLOP. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming controls 13 minutes 3 seconds.

Mr. WALLOP. Mr. President, I yield 3 minutes to the Senator from Wyoming, and then when the majority leader comes, I am willing to yield to him. But I would wish to reserve 3 minutes for the Republican leader as well for his planning information.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I want to thank my colleague, my friend from Wyoming, my friend for many, many years. I thought his remarks were terribly important and very valid.

There is certainly a great deal of extraordinary exaggeration in my mind about global climate change. I am fully aware of issues like ozone depletion. We can all listen to that one, and we can hear that. But when you get into global climate change, it seems to me in my life here, in the 13 years, there are many, many self-proclaimed experts outside this body, prophets of doom, who describe our impending doom, declaring that President Bush does not care one whit about the environment. That is so tedious to listen to.

The fact is we still do not adequately understand how our global climatic system works. We are just beginning to understand the control and feedback mechanisms in the atmosphere and in the ocean. Climate models remain in a very primitive state. They continue to be refined. But they cannot give us the quality of information that we need to make wise policy choices.

I think what I find most troubling about some of the statements that we hear about the White House and the environmental policy is that memory seems to be so very short around here. It was the President who broke the legislative logjam that stalled the Clean Air act for 10 years.

I sat in the committee and watched us pass that kind of legislation every year, just to win brownie points with certain groups around America. They knew it would drop dead right here at the desk, and never get one bit further—and never did. What did they think would happen to it? It was an unrealistic piece of legislation that died right here at the desk until George

Bush and this administration brought it to life.

What he does not want to do is proceed with some half-baked global climate change policy that would not work and would have a very deleterious effect on the economy of the United States while having a benefit to other countries that we compete with. That is the reality in the midst of these times, and jobs, and things we always hear from other side.

Yes, the Earth's climate is changing, and for heaven's sakes it has been changing since the beginning of time. There have been cycles of ice ages and warming long before industrial activity ever began. When are we going to recognize that nature plays the biggest role in climate changes?

We do know that CO<sub>2</sub> can trap heat. No one denies that. But that is one fact and one fact only, a little tiny part of the total climate equation.

I noticed that in the March 20 issue of Science magazine we have a story about the great salinity anomaly. I bet no one in this Chamber has ever heard of that phenomenon.

So, if someone will share with me their remarks about the great salinity phenomenon or anomaly, I will begin to compile some notes on that. It talks about a giant pool of unusually fresh seawater that has been circulating in the North Atlantic. That is a recently discovered factor affecting global climate. The modeling equipment we used did not even deal with atmospheric changes the last time.

I am just saying that in my time in this body and outside of this body, I heard from those who spoke a few years ago that we were headed for a new ice age. I remember that the ice floes would build up in New York and finally crush everything back into Central Park. That was only 20 years ago. So, Lord knows what we are going to get in the next 20 years. I certainly want to be around for it all.

Thanks so much.

Mr. WALLOP. Mr. President, I believe that the Senator from Tennessee wanted to make an observation about my view that the convention would cap the emissions of the industrial countries but not those of the developing countries.

I say, again, if the majority leader wishes to speak on the time of the Senator from Wyoming—and I know he has leader time—I do intend and I wish the Chair to say when 3 minutes remains, because I wish to reserve that if the Republican leader is here.

The PRESIDING OFFICER. The Chair reminds the Senator from Wyoming he controls 8 minutes and 1 second.

Mr. GORE. Mr. President, I really appreciate the generosity of my colleague from Wyoming.

I wanted to say that the part of the point he made earlier that I wish to



identify with is this: If the United States not only stabilizes emissions but reduces greenhouse gas emissions by 50 percent, and if every other industrial country also reduces greenhouse emissions by 50 percent, and the developing countries continue on their current path, then worldwide greenhouse gas emissions will, by the year 2030, increase by 250 percent.

So I say that, in my opinion, part of the Senator's point is not only valid but a central fact in this entire debate.

Where I would urge the Senator to look a little bit differently at this issue has to do with this question: How do the industrial nations, with the leadership of the world, the technological capability that we have, provide the kind of leadership that increases the odds of the developing countries moving off that path on to a different one?

The Senator from Wyoming used China as an example. When we adopted the Montreal protocol and limited CFC's, China refused to have anything to do with it, saying that the industrial nations created that problem disproportionately.

Why do we not deal with it? We began to deal with it and applied a different standard to the nations of the industrial world and to the developing world.

Now, after we have begun to meet those commitments, China is prepared to sign the Montreal protocol. This same basic pattern is contemplated in the global climate change agreement.

I urge my colleague to consider how we, as a nation, best provide the kind of leadership that is necessary to deal with the developing world's contribution to that spike. I appreciate my colleagues' appreciation to this debate and, again, I appreciate his generosity.

Mr. WALLOP. Mr. President, I would observe that were the United States to be more articulate and more imaginative in the use of its foreign aid, we could do more for the global climate with existing U.S. technology that controls emissions—both sulfur dioxide and carbon dioxide—than we can by signing this treaty and binding ourselves to a circumstance that the other cosignators will not, I assure the Senator, abide by, notwithstanding that the factors in their announced positions are still too great. The fudge factor in Europe's position is still too great.

This is a Senator who has not been an admirer of the arms control process because it has bound our country in more changes than it has bound the signatories with whom we entered into those agreements. I would prefer a country that lives up to and abides by its commitments. I do not want this country to change in that, which is why I, along with others, urge the President to be exceedingly cautious in what he binds us to when entering into agreements. Because the other new

way of traveling through this veil that we have now designed is basically to say that the Senate does not have a role in the ratification of treaties anymore. We do that, and if we fail to do it, we are bound by it anyway.

I point to a specific instance, the SALT II Treaty. It was not a good treaty, not well drafted, but we became bound by it, and we also became bound by a majority vote over it. The House of Representatives entered into that process.

Mr. President, I am saying that it is, therefore, very, very wise of the President of the United States to be cautious about the change that he wishes to bind our economy and our population under. I think he is doing that. I believe that he has a commitment—and he has stated it on more than one occasion—a commitment to the climate change negotiations.

But that does not say that by having a commitment to it, that he must capitulate to it. What he is saying is that this is a negotiation, not an obligation, which is bestowed by the Group of 77. This is something that was supposed to be negotiated. It is again, I say, not part of the UNCED agreement.

The majority leader is not here, and neither is the minority leader.

The PRESIDING OFFICER. The Senator now has 3 minutes remaining in his time.

Mr. WALLOP. I appreciate that. In the process, I hope that the Republican leader will come down for a closing remark on this.

Continuing, Mr. President, the UNCED Conference can take place without either the reforestation agreement or without the environmental agreement. These are separate processes to UNCED.

The presence of the President of the United States or these mythical world leaders, whose commitment has not yet been laid on the line, but it has been suggested, is really a commitment that is about like the other ones that would be required under the treaty as it is currently drafted, binding us to the extent that it does, and freeing the Group of 77.

Mr. President, this is simply not wise. There are better ways of achieving the same goal. One of the ways is negotiating the treaty more appropriately, and another way is using the leadership of the United States with regard to our own emissions as an example for Europe to follow and as an example for other nations of the world to follow, and continuing to negotiate. But negotiating does not mean capitulating, and that is apparently what the advocates would seek to have happen.

Mr. President, I again support that the President of the United States is on a correct and responsible path, and that it has been difficult for him to maintain that path given the level of

propaganda, innuendo, and misinformation that has surrounded that activity. But I hope when the Americans take a look at it, that they think it would be wise for their President not to be down in Rio being bashed by the Group of 77 for failing to commit this country and other countries like ourselves in the developed world to being bound by change which will not have any effect whatsoever on the economies or the emissions of the Group of 77.

Mr. President, I note that the hour of 12 has arrived, and my time has expired.

Mr. WOFFORD. Mr. President, I rise in support of Senate Concurrent Resolution 89, submitted by Senator KERRY, and join my colleagues in urging the President to play an active role in the upcoming U.N. Conference on Environment and Development to be held this June in Rio de Janeiro, Brazil. As a member of the Committee on Foreign Relations as well as the Committee on Environmental and Public Works, I believe that the United States must take a more active leadership role in protecting the global environment.

The Earth summit conference is an extraordinary event in the history of international relations. It comes at a pivotal moment in our efforts to protect the future of our planet. The participation in this conference by so many nations sends a very powerful message: that without unprecedented levels of international cooperation, we will be unable to reverse the alarming trends toward degradation of our environment and depletion of our natural resources.

The issues to be addressed at the U.N. Conference are global in scope. They require an international response. Whether we are talking about global climate change, deforestation, loss of biological diversity, or ozone depletion, the international community must work together to develop shared goals and new partnerships to achieve them.

A coordinated response is our only real hope to efficiently and effectively carry the burden that our existence has increasingly placed on our fragile planet. This U.N. Conference offers a great opportunity to engage both industrialized and developing countries in a dialog that's critical to our future.

Without question, the success or failure of the conference will in large measure be determined by the role that the United States chooses to play.

If we are truly the leader of a new world order, then we must act like it. Not just with military might, but with scientific might and social invention. If the cold war has been won for freedom and democracy, we must not lose the peace through the pollution of our air, land, and seas.

The health and wealth of our children depends on our ability to restore and preserve a stable global environment. As a cosponsor of this resolution,

I strongly urge the President to place America at the forefront of those nations who are ready to make a commitment to the long-term survival of our species and our planet.

Mr. LEAHY. Mr. President, the U.N. Conference on Environment and Development, otherwise known as UNCED or the Earth summit, is rapidly approaching. It is set to open in Rio in June, and representatives and leaders from over 160 countries are expected to attend.

The UNCED offers the United States an unprecedented opportunity to show world leadership on the most pressing issues facing the planet. Senator GORE and other have spoken eloquently about the historic importance of this event. Never before in history have so many countries, both industrialized and developing, from south and north, come together to find solutions to problems that, left unsolved, will imperil the future of life on Earth. Never before has the need for such a meeting been so urgent.

I have many ideas of my own on the subjects that UNCED should address—exploding population growth in the developing countries that is putting unprecedented pressure on the environment, global warming, destruction of forests, ocean pollution, loss of biological diversity—the list is endless and growing. Many of these issues have been the subject of hearings and legislative action by the Foreign Operations Subcommittee. In the past 3 years we have significantly increased funding in these areas. But despite our best intentions these efforts have been like treating cancer with cough medicine. The only hope for solving these problems is a global effort on a scale far exceeding anything done before.

Mr. President, the two grayest threats to our security, and to the world's security, are the proliferation of weapons of mass destruction and the destruction of the Earth's environment that is proceeding today at a record pace. Could there be anything more tragic, more ironic, than for humanity to destroy, by our own thoughtlessness and greed, the possibility of life for all species?

That is what has been happening over the course of this century, and the process is accelerating as I speak. The same shortsightedness that virtually wiped out the millions of buffalo that used to roam the Western Plains, is destroying countless other species today. Millions of tons of raw sewage are emptied into the water of this planet every day. Millions of tons of poisonous chemicals are released into the air we breathe. Vast areas of precious agricultural land are lost to development, at the same time the number of mouths to feed is doubling in less than 40 years.

What will it take for us to act? A hole in the ozone so huge that rather

than save the billions of dollars we would otherwise waste on star wars, we spend it on an equally pie in the sky contraption to shield us from the Sun? A nuclear accident that dwarfs Chernobyl, only this time in Maryland or Virginia? Air pollution in Washington like Mexico City today, where the smog is so thick you cannot see to the next block and just breathing the air is life-threatening?

I cannot accept that we are so blind, so incapable of reversing this slide toward catastrophe. Is it not painfully obvious what can happen, what is already happening, if we continue to avoid the hard choices?

The fact is that unless the United States puts its full weight behind the UNCED, it will fail. Oh, there will be interesting meetings and thoughtful ideas exchanged and plans for more meetings. I do not question the value of that. But time is running out. These are not problems that are going to simply go away. We already know a great deal about what we are doing that is destroying our environment—what is needed is a major commitment of resources to save this planet. We cannot afford anything less from such an historic meeting that has taken years to plan.

So far, that leadership has been wholly lacking from the administration. It has refused to pledge more aid to the developing countries that are already billions of dollars in debt and cannot afford the high costs of protecting the environment, or to set limits for emissions of gases that contribute to global warming—the only country that has opposed such limits. It continues to drag its feet on an agreement to stabilize the Earth's climate, yet the United States is by far the largest contributor to global warming.

Mr. President, this administration's record on the environment can be one of its greatest achievements or worst failure. So far, it has distinguished itself only for being long on rhetoric and short on results. UNCED is an opportunity to change that.

President Bush often refers to America's greatness. He reminds us that we are the leader of the free world, the only superpower. But leadership means more than having the strongest military or the biggest economy. We are also the largest consumer of the Earth's finite natural resources, and we have made many environmental mistakes ourselves which we are going to be paying for for years to come.

The President needs to choose. Does he continue to side with the big oil, coal, utility, and automobile lobbies, that oppose any targets or timetables on global warming? That support an agreement only if it is so watered down it does not require them to do anything? That want more studies, more reports, more analyses of what we already know, more of the same go-slow

approach that simply postpones the inevitable and drives up the cost of switching to cleaner technologies?

Will the President continue to hide behind that worn out argument that is the mainstay of his Council on Competitiveness—that the only way to have a strong economy is to be anti-environment and antigovernment intervention? Has he learned nothing from the billions and billions of dollars we are spending to clean up polluted rivers and toxic waste dumps, thanks to industry negligence and greed? Are we going to saddle our children with huge environmental and medical bills, because the President cares more about politics than pollution.

Energy conservation investments have already proven profitable in their own right. If we do not aggressively develop these technologies today, our industries will fall farther behind tomorrow. The Japanese and the Germans and our other competitors are already investing heavily in energy efficiency and renewable energy technologies. They know that in the long run it makes good economic sense, as well as environmental sense, to cut carbon emissions. Our own energy use is so riddled with waste and inefficiency that we could realize huge savings today, as well as in the future.

Do we care more about the price of oil and the profits of the fossil fuel industry and utility companies, than our health and our children's health and the health of the planet? Are we willing to spend billions to restore the Emir of Kuwait to his throne, but not to stop the poisoning of the environment?

I appeal to the President to seize this opportunity. This is not a question of being able to shift responsibility to other countries. This is not a question of whether it is just in our interest, as opposed to some other countries' interests. The air and water we breathe and drink do not respect national borders. The problem is global. The solution is global.

The American people want a clean environment and they are sick and tired of their own Government dragging its feet. This past weekend, there was agreement among the UNCED participants that no nation has the right to pollute areas beyond its borders. That is an important step. But, because of U.S. stonewalling, there was no progress on the central issue of who will pay to clean up the environment. President Bush should go to Rio himself and he should announce that sooner, not later. He should let the leaders of the other countries know that the United States is ready to join them in far-reaching steps, backed by our share of resources, to implement the UNCED agenda.

Mr. CHAFEE. Mr. President, whether you believe the greenhouse effect has already begun or has not yet begun is



not the point. Recognizing that there will always be scientific uncertainties, our challenge is to develop an action plan that avoids making the problem any worse while we work to resolve the uncertainties.

At the very least, we will have to change the way we use fossil fuels and to stop the destruction of forests around the world.

A couple of years ago, I visited Brazil where my colleagues and I met with numerous government officials, scientists, and citizens concerned with the related problems of deforestation and the greenhouse effect.

One of the lessons I took away from those talks was that a crucial element of any international plan to solve these problems must be a recognition of, and respect for the sovereignty of each nation. We must also appreciate that the pressures on developing countries that are trying desperately to improve the standard of living for millions of impoverished and frequently homeless people, are much different than those facing the industrialized world.

The lesser developed countries have many problems that demand their immediate attention. To many of their government officials, environmental protection is a luxury only to be addressed in the long term after they have dealt with housing, health care, education, jobs, food. Sao Paulo is a sprawling urban center of 16 million people. The problems there overwhelm Brazilian officials and the preservation of the rain forest slides down their priority lists.

An additional problem is the fact that developing countries are suspicious of our motives. They see how the industrialized nations have expanded and developed at the expense of the environment. Now, suddenly after we have gotten ours they hear us telling them that the world's pollution quota has been used up and they cannot develop.

No one can deny that we in the United States of America need to do a better job in our share of protecting the global environment. We do not come to the table with clean hands. The threat of global climate change as a result of the greenhouse effect is a good example of this problem.

Yes, Brazilian deforestation contributes to the greenhouse effect in two ways. First, the burning of trees and other vegetation releases tremendous amounts of carbon dioxide. Second, deforestation eliminates trees which previously absorbed carbon dioxide produced elsewhere. As trees grow they absorb CO<sub>2</sub> and hold it until they decay or are burned. This absorption capacity is called a "sink". The oceans are the other major sink for CO<sub>2</sub>.

But destruction of the Amazon only contributes an estimated 7 percent to the greenhouse effect. By comparison, the United States is responsible for

more than 20 percent of the greenhouse effect through our automobiles and wasteful use of electricity which we demand. It is produced—usually by burning coal or oil.

We cannot sit here and point fingers or assign blame. If we expect to have any credibility with Brazil and other developing countries, we must:

First, reduce emissions of carbon dioxide and the other greenhouse gases, such as methane; and

Second, stop the destruction of our old growth forests.

At the same time, we need to make our best technologies available to developing countries so that they may develop without repeating the mistakes of our past.

Shortly after Jose Lutzenberger, a world famous environmentalist, was named Brazil's Secretary of Environment in 1990, I had the pleasure of hearing him speak.

Mr. Lutzenberger referred to the developed countries as the overdeveloped countries. He makes an excellent point when he notes that our planet cannot afford to have the entire world develop in the excessive manner that the industrialized nations have done to date.

For example, consider private automobiles. Today we have 350 million private cars in the world. If all of the developing countries were to duplicate the level of automobile ownership that we have in the United States, Europe, and Japan, that number would not be 350 million but nearly 3 billion private cars. When you extrapolate to the next 30 or 40 years, when the world population is projected to reach 10 billion people, the number of cars would increase from 3 to 7 billion private cars. It is unthinkable to have a planet with that many cars spewing carbon dioxide and other pollutants into the atmosphere.

I am confident that, just as we have managed to make tremendous progress on our domestic environmental agenda, we will succeed in meeting the new challenges that are presented by the global environmental agenda. Yes, we have our problems, but we can deal with them and turn them into opportunities. The Rio conference will start us on the road to solving these problems, to meeting these opportunities.

Mr. HOLLINGS. Mr. President, I rise in support of Senate Concurrent Resolution 89, which encourages the President to play a strong and active role in the U.N. Conference on Environment and Development scheduled to be held in Rio de Janeiro in early June. This is a critically important meeting being held at a critically important time. I am proud to be a cosponsor of this legislation expressing the Senate's support for the UNCED process.

The UNCED meeting in Rio—referred to as the Earth summit—represents a unique opportunity for the nations of the world to commit themselves to ad-

dress a whole host of global environmental problems—global warming, ozone depletion, deforestation, acid rain, desertification, and sea level rise. It is a change to forge a global agreement on what needs to be done to protect our planet and assist developing nations as they struggle to provide for the needs of their people.

This will not be easy; over 100 nations will be represented at Rio, each with its own, often conflicting, needs and desires. Yet, there is agreement on some key points: First, the Antarctic ozone hole and the accelerating rise in atmospheric carbon dioxide levels show clearly that pollution is no longer just a local or regional problem, but is now a global one; second, global environmental problems will affect every nation—we are all in this together; and third, addressing problems like greenhouse warming and deforestation will require an unprecedented amount of international cooperation and coordination.

Although the United States is the world's largest producer of carbon dioxide, we cannot stop greenhouse warming all by ourselves. As this resolution and the UNCED process make clear, there must be coordinated, international action. That action is required on several fronts. We need to continue to reduce emissions of ozone-depleting chemicals like chlorofluorocarbons. We must improve energy efficiency. We must ensure safe and ample water supplies, particularly in the developing world. We must take steps to slow deforestation and the frightening loss of biodiversity around the world. We need to reduce indiscriminate dumping of toxic and nuclear wastes.

Fortunately, there are ways to meet these challenges, if we make the necessary long-term investments, and if we have a coordinated international effort. According to an article by William K. Stevens in the March 17, 1992, issue of the New York Times, new studies are showing that the nations of the world can actually save money by taking steps to reduce their emissions of carbon dioxide. These studies indicate that by improving their energy efficiency, and making more with less, companies can become more competitive in world markets. There may be short-term costs for new equipment, but in the long-term, the benefits outweigh the costs—even before counting the benefits of protecting the global environment.

The United States has an important role to play at UNCED. It can provide technological leadership—showing what state-of-the-art technology can do to reduce emissions of greenhouse gases. And even more importantly, it can provide political leadership, showing that this country recognizes the seriousness of greenhouse warming and is willing to take action to address it. I

urge my colleagues to support this resolution.

Mr. DODD. Mr. President, I rise in strong support of this resolution, and I want to commend Senator KERRY for his hard work on it. This is an important issue that deserves our immediate attention.

Mr. President, the resolution before us is a simple one. It does not change U.S. law, nor is it binding on the President. It simply expresses the sense of the Senate that the President should play an active role in the upcoming U.N. Conference on the Environment and Development. Up to this point, unfortunately, the President has not shown much interest in doing so.

Mr. President, just over 1 year ago, the world watched in horror as a madman by the name of Saddam Hussein unleashed his violent brand of environmental terrorism upon the Persian Gulf region. Sadly, massive oil spills and burning oil well fires are not the only threats to our global environment. For years we have been facing the threat of global warming and a rapid deterioration of the ozone layer.

The evidence is clear and unmistakable, Mr. President. In testimony before the Senate Commerce Committee a few weeks ago, several well-known researchers offered compelling evidence that the mean global temperature has increased between 0.3 and 0.6 degrees Celsius since 1890. Indeed, the last 2 years have been the hottest 2 years on record.

By the year 2100, the predictions are that temperatures could increase another 5 degrees or more, reaching levels unmatched in more than 60 million years. That may not seem like much to the average person, Mr. President, but consider this: today the average mean temperature of the Earth is only 5 degrees warmer than during the last ice age. If temperatures continue to climb, many cities will be buried in floods as a result of the partial melting of the polar ice caps.

As for the evidence of the breakdown of the ozone layer, scientists have been tracking this phenomenon since the year 1973, when researchers first discovered the damaging impact of chlorofluorocarbons, or CFC's. Until recently, however, the debate has centered over the ozone layer above the North Pole, and parts of the Southern Hemisphere.

But 2 months ago, NASA scientists warned that a hole in the ozone layer could open up over New England as soon as this year. In fact, the scientists reported, during one period at the end of late January the ozone layer over the region was being eaten away at the rate of 1 to 2 percent per day. Suddenly, Mr. President, ozone is an issue all of us must confront.

The health effects of reduced ozone are already being felt in the Southern Hemisphere, where researchers are re-

porting a dramatic increase in the number of cases of skin cancer and other Sun-related disorders. In some regions of Argentina, families are urged to keep their children inside during the peak summer months. Scientists believe that by the year 2000, ozone depletion will have caused an additional 1.6 million cases of cataracts per year and 300,000 new cases of skin cancer.

In the face of this compelling evidence, what is the reaction of the President of the United States? It is almost to pretend the problem does not exist.

On global warming, the President announced 2 weeks ago that he would oppose an international agreement setting specific timetables and targets to reduce emissions of greenhouse gases such as carbon dioxide. On the ozone layer, the President announced 2 months ago a modest speedup in the timetable to eliminate CFC's—a day late and a dollar short, in the view of many.

Finally, Mr. President, we still have not heard confirmation from the President that he will be an active participant in the U.N. Conference on the Environment and Development in June of this year. This conference, to be held in Rio de Janeiro, will be the first of its kind. It represents a critical opportunity for the world to speak as one on these important problems.

Sadly, the President of the United States refuses to take the lead when his leadership is needed most. The leader of the new world order—the man who summoned 29 nations into battle against Iraq—is being dragged almost against his will into this all-important fight. It is a disheartening sight, Mr. President.

So Mr. President, it is regrettable that today we consider this important resolution. I say regrettable not because I disagree with its intent—to the contrary, I think it is a fine resolution. But I fail to see why it should take a congressional resolution to get the President to take the lead on this issue. And I don't understand why it should take the admonition of the entire world to shame the President into action.

Mr. BIDEN. Mr. President, 4 years ago, President Bush promised that he would do battle with global warming, using the White House effect to fight the greenhouse effect. Now we have before the Senate a resolution urging the President to support international efforts against the greenhouse effect and other global threats. The White House effect is nowhere to be found.

The opportunity that is slipping away is the international conference in early June in Rio de Janeiro in Brazil. The President's delay in committing to this battle stands in sharp contrast to the actions of other world leaders. Dozens of countries have strived to make

the conference a success. But they have watched as the United States has paused, sat silent or sought to weaken progressive proposals.

The White House effect has served to scuttle the talks, not to promote them. The administration's actions to date are minimalist in nature at a time when bold leadership is desperately needed. And they are self-fulfilling in their effect. I will not be surprised if the administration argues that the President will not attend the conference because it failed to reach a break-through agreement, completely ignoring its own role in all but making sure a meaningful agreement was not reached.

But I would also like to highlight other arguments that have been made against the entire process. The arguments need to be highlighted because, while they appear reasonable, they lay the groundwork for opposition any action on global warming in the future.

First, a dangerous distinction has been created, one that claims we should be concerned about harmful climate change. This distinction creates a theory of good climate change and bad climate change. Acceptance of this premise is a cover for no action of any kind on climate change.

If one accepts that some climate change will have beneficial effects, then we are left in the preposterous situation of believing we can pollute our way to a better future. The good climate change proponents would have us believe that with just the right mixture of sulfur dioxide, CFC's, carbon dioxide, and perhaps a healthy dash of deforestation, we can make our winters warmer, control droughts and extend growing seasons.

While these types of changes are expected under most global warming scenarios, the notion that we can somehow control climate changes so that they are all beneficial to mankind is absurd, as is the notion that with just the right amount of pollution, we can offset warming trends.

These are not the only fallacious arguments that arise. Several predict destruction of our domestic economy if we take action on global warming. One underlying belief for these arguments is that economic growth and energy consumption must move in lockstep. Therefore, any programs that call for reduced energy consumption is destined to lower our standard of living.

A decade of proof shows this argument is a false one. In the years from 1972 to 1988, our Nation's gross domestic product grew by more than 55 percent, but energy consumption rose by only 10 percent. We managed healthy economic growth with increased energy efficiency and conservation. But opponents of action on global warming would have the public believe that we must waste energy to be productive.

Beyond the deceptive arguments used by those who would do nothing on glob-



al warming, it is important to understand the science that is driving this issue.

No one asserts that scientists fully understand our world's ecosystem and how global warming could affect each region of the planet. But they do know that undeniable changes are underway in our atmosphere. Concentrations of carbon dioxide are rising inexorably. CFC's are found in the highest reaches of our atmosphere above the most remote regions of the globe. Methane levels are rising.

All of these will have an effect on nature's systems. Any doubts about that should have ended with the discovery of serious thinning of the ozone above Antarctica. The ozone hole shows that man can and does affect the atmosphere, that pollutants do not conveniently disappear as some would wish.

That is the basis for concern about global climate change—that the cumulative effect of each of our actions could have severe effects on our planet's and children's future. The Earth summit is a first step toward fending off catastrophe.

The conference in Rio in June represents an effort by 160 nations to develop a system to deal with this potentially devastating problem. But nothing will happen unless the United States decides it should move forward. That is the position we are in as a superpower and as the single largest source of greenhouse gases. And it is in this position that our representatives, under direction from the administration, have failed.

The contrast is stark between our role in the Uruguay round of trade talks, and the talks leading up to the Rio Conference. In the Uruguay round, the President and the administration have been very active, very assertive in pushing for an agreement. They have attempted to browbeat laggards in every forum possible to settle remaining issues. And they have refused to give up on the process. Without the administration's determination to reach an agreement, the talks would have collapsed long ago.

But with the Rio conference, it has been silence. Almost nothing productive has come forth from the administration. Reports from the talks constantly cite frustration on the part of not just developing nations, but also other industrialized nations that support action against global warming.

The contrast shows how much more the administration could have done in the months leading up to the talks. They could have and should have been much more progressive in fact, not just in their press releases. This criticism is not a new development. For months, concerned observers have tried to get the administration to move on this issue.

Last July, I authored language in the State Department reauthorization bill

stating the sense of the Congress of points the United States should support in the talks. Those points included verifiable goals and plans by each country to reach those goals. That resolution was approved by Congress. The resolution says, in part, that "strong leadership by the United States is crucial to achieving an agreement on a framework global convention in time for the United Nations Conference on Environment and Development to be held in Brazil in June, 1992."

Unfortunately, the administration continued to stand alone on its position on global climate change, in opposition to anything but business as usual.

The resolution called for a balanced approach, one that recognized the need for further research, but opposed allowing a small degree of uncertainty to block needed actions. The resolution called for "adoption of national strategies to address climate change \* \* \* and to make public the elements of such strategy."

We hear the administration claim that they support these goals, but when they are raised in the context of the Rio meeting, the administration shifts to opposition. At a time when the positions they claim to support can be given real meaning, the administration backs off.

I fear that barring a herculean effort, the lofty goals envisioned for the Rio Conference months ago have already been scuttled. Full realization of the administration's strategy will not begin to be known until June. In the years that follow, recognition can only grow that Rio was an opportunity that was wasted.

Mr. SANFORD. Mr. President, I rise to add my voice to the numbers who have expressed their embarrassment over this Nation's lack of global environmental leadership. The United States of America must stand and be counted as a people who care not only about the health and happiness of their own children, but also about the children of foreign lands who have yet to be born.

I am an original cosponsor of Senate Concurrent Resolution 89, and support its companion House Concurrent Resolution 292, which is before us today. The resolution calls upon the President of this Union to look beyond the rhetoric of narrow special interests. I sincerely hope that our President will wake up and take instruction from his own claim that America is now the world's only superpower. As the administration charts the course of the most powerful Nation on Earth, should not the very health and life of this planet be a priority?

I join my colleagues in requesting that President Bush immediately involve this Nation, with all of its scientific knowledge and world influence, in the task of planning meaningful dis-

cussions for the U.N. Conference on Environment and Development [UNCED]. Without the United States participation in preliminary talks and a guarantee of our presence at UNCED in June, the likelihood of a forceful international accord being reached will be dramatically reduced.

Mr. President, planet Earth is in peril, and Americans helped her reach this critical state. However, as the data rolls in, more and more Americans are realizing that the words "preservation," "conservation," and "sustainable development" are not radical leftwing terms, they are terms that we must all become familiar with. Environmental leadership should not be reduced to a game of petty politics, it should be characterized by common sense. Common sense tells us that we must act now.

Unfortunately, either our President does not believe the scientific evidence presented to him of global environmental degradation, or he just does not care to concern himself with the facts. Many of the world's most respected researchers are convinced that global warming is a real threat, meanwhile the United States continues to produce 20 percent of the world's carbon dioxide emissions. The recent space shuttle mission revealed areas of ozone depletion over the United States, in addition to those areas already documented. The tropical forests, which hold endangered species, lifesaving drugs, and the lungs of the world, are disappearing at a rate of more than an acre a second. As the world population skyrockets, industrial and Third World nations alike are polluting our land and our water; if this trend continues, it spells the end for thousands of species of plants and animals, and it ensures that the quality of life for future generations will certainly be compromised.

Mr. President, the administration prides itself on foreign policy successes and being the big kid on the global block. Is it not a proper placement of priorities to continue this leadership role to help bring nations together to preserve the world environment?

Many of my colleagues have expressed their pride in the progress that America has made in the area of environmental technology. I share this pride and am encouraged by the possibility of new global markets that might be established if the United States takes the lead in negotiating tough, effective agreements for environmental cleanups.

We stand to gain in so many ways by taking a visionary approach to solving the international threats to this Earth and its atmosphere. The President can prove America's global stature by playing an active role in the preparation of UNCED, by personally attending the conference, and by supporting responsible proposals at the convention.

I am pleased to join my colleagues in support of this resolution and I am

hopeful that the President will note its broad support.

The PRESIDING OFFICER. All time under the previous order has expired.

The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I had understood that Senator DOLE wished to speak, and I inquire as to whether Senator DOLE does wish to speak on the resolution.

Mr. WALLOP. Mr. President, if the majority leader will yield, I am told the Senator would wish maybe 5 minutes or so.

Mr. MITCHELL. Then, Mr. President, this is to accommodate Senator DOLE, and I wish to speak, as well. We both can use part of our leader time.

Is Senator DOLE on the way now?

Mr. President, what I am going to do is momentarily suggest the absence of a quorum to permit Senator DOLE to come to the floor to make his remarks, and then I will make closing remarks of just a couple minutes.

Mr. SYMMS. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I yield.

Mr. SYMMS. What is the schedule for the remaining part? I have about a 20-minute speech I want to give on this subject.

Mr. MITCHELL. Mr. President, I do not think there will be objection to that. The vote is scheduled at noon, and all time has expired.

Mr. SYMMS. During the remainder of the afternoon, will there be any other time for the Senator to make his presentation?

Mr. MITCHELL. We are going to be proceeding to the budget resolution this afternoon, I assume, at some point in time later today.

If the Senator would like, if the Senator wishes, when we conclude action on the budget this evening, before recessing for the evening, I will be pleased to provide a block of time for the Senator.

Mr. SYMMS. I thank the Senator. I may wait to see how late that is going to be. I thank the Senator.

I just would say at some point I would like to be heard on this subject, and I share the views of the Senator from Wyoming.

Mr. KERRY. Mr. President, will the majority leader withhold the quorum call for the purpose of two unanimous consent requests?

Mr. President, I ask unanimous consent that the distinguished Senator from Michigan [Mr. RIEGLE] and the distinguished Senator from Oklahoma [Mr. BOREN] be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that the order to vote on the Senate resolution, now the pending business, and its possible, be vitiated, and the Senate proceed to the

House resolution under the previous order when the time for a vote occurs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and I thank the majority leader.

Mr. MITCHELL. Mr. President, It is my understanding that there will now just be one vote on the resolution itself; and I correct?

Mr. WALLOP. Yes. If the majority leader will yield, the yeas and nays have not been ordered on that, and ought to be.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Then, Mr. President, for the information of Senators, the vote will occur, depending on the length of the statement. The Republican leader is here. We will proceed with his statement. I believe the vote will occur within the next 10 minutes. Senators should be aware of that.

Mr. President, I now yield the floor so the distinguished Republican leader can make his statement.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, a few of my colleagues have spent this morning criticizing President Bush and the United States of America for single-handedly destroying the global environment. Nothing is further from the truth.

I listened to a lot of this on my TV in the office. I do not believe some of the statements made by some of the critics of President Bush.

Environmental laws and regulations governing nearly every aspect of life in America are stronger in the United States than they are in any other country in the world. We have laws on air emissions, water discharges, filling and dredging wetlands and waterways, disposal of every type of waste from common household garbage to toxic chemicals to radioactive waste. We regulate almost to the absurd, demanding asbestos which has been safely sealed in place instead be disrupted and removed at enormous cost. We demand toxic waste be removed from leaking dump sites and transferred to exotic, space age dumps which also leak, a move that generates huge profits to lawyers and little, if any, benefit to the environment.

Unfortunately, those who have criticized the President of the United States this morning fail to tell us the basic position of the two sides in the UNCED negotiations. The United States wants to have a cooperative agreement whereby all nations of the world commit themselves to undertake the same type of aggressive environmental controls that the United States

has taken. Conversely, the Third World has viewed these negotiations as a cash cow. For a price, they have said, we might be able to interest them in being concerned about the environment.

So, Mr. President, let us ask the American people. Let us ask the American taxpayer which we fail to do around here almost every day. Ask the American taxpayer the real question: Do you favor sending hundreds of millions, if not billions, of your tax dollars to foreign countries to try to interest them in the environment? Or, do you favor taking a tough stand, demand that all nations follow the lead of the United States in cleaning the air, the water, protecting forests and species, and eliminating chemicals which are destroying the stratospheric ozone layer?

I am quite certain when the American people understand the facts—not the speeches, not the rhetoric, not the criticism of President Bush—when they are told the truth, they will reject this sleight of hand to take money out of the hands of the needy in this country and use it as bribes to foreign governments.

I am also quite certain the American people would instead agree that President Bush, that all nations, should voluntarily protect the fragile environment of this globe which is, as best as I can determine, the only choice we have in choosing a place for mankind to live.

In closing, I would like to praise President Bush for his courage in taking the sensible position he has. He could have chosen the politically expedient route that many of my colleagues talked about this morning of hiding behind the skirt of environmental protection and allow this Nation to be blackmailed.

President Bush is standing tall for the environment and the American people, and as one American, let me congratulate the President on doing a superb job.

The PRESIDING OFFICER (Mr. WOFFORD). The majority leader.

Mr. MITCHELL. Mr. President, in June, leaders from all over the world will meet in Brazil for the Earth summit. This will be the largest international gathering on the environment since the Stockholm Conference in 1972.

It reflects the fact that environmental values are more deeply imbedded than ever before. Citizens in all countries, of all cultures and regions, realize that protecting the global environment is essential to human survival. More than ever, individuals and governments recognize that environmental protection is essential for economic health.

Yet, during the time of heightened global awareness of the environment, President Bush has not yet agreed to attend the Earth summit. Other West-



ern leaders have made such a commitment; they will be there in June.

I urge the President to attend the Earth summit. He should show the world that the United States, which is admittedly part of the global environmental problem, is committed to being part of the solution as well.

The Bush administration is unfortunately preventing progress on a global climate change convention. Several areas of disagreement have arisen within the negotiations on a convention. These disagreements have been nurtured by the U.S. refusal to commit to meaningful limits on U.S. greenhouse gas emissions. Negotiations have progressed slowly, in part because the Bush administration refuses to commit to any controls on carbon dioxide, the dominant greenhouse gas.

The European Community has committed to a policy of stabilizing carbon dioxide emissions at 1990 levels by the year 2000. Other nations have committed to reductions in emissions. The Bush administration has isolated the United States by refusing to commit to any controls on greenhouse gas emissions.

The world cannot afford continued delay by the Bush administration. Even if we stop emitting all greenhouse gases today—an impossible prospect—but even if we did so, there will still be more warming of the Earth's atmosphere. Further delay means our children and their children will pay an even higher price.

The Bush administration wrings its hands, paralyzed by fear that action will cost too much. But its own studies show that there are cost-effective ways to reduce carbon dioxide emissions. And forgotten by the administration is the very high cost of inaction.

To avoid increasing carbon dioxide emissions, we need to use energy more efficiently. Energy efficiency creates jobs and saves money. Curbing emissions in concert with other nations will create global markets for American products and American services that improve efficiency and reduce emissions. Some other nations already recognize the chance to improve their balance of trade. We should act aggressively in this area. We forfeit both an environmental and a trade edge by hesitation.

By itself, the United States contributes 20 percent of the entire world's carbon dioxide emissions. Yet the administration isolates the United States as it shrinks from leading the world with aggressive environmental diplomacy.

The United States cannot afford any more environmental timidity on this critical issue.

I urge the President to attend the Earth summit and to reverse the position of his administration on global warming. It is time to act for ourselves and for generations to come.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator BUMPERS of Arkansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the clerk will report House Concurrent Resolution 292.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 292) expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

The PRESIDING OFFICER. Under the order, the text of Senate Concurrent Resolution 89, as amended, is substituted for the text of the pending House concurrent resolution.

The question is on agreeing to the concurrent resolution (H. Con. Res. 292), as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—87

Adams	Ford	McConnell
Akaka	Fowler	Metzenbaum
Baucus	Garn	Mikulski
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Nickles
Boren	Grassley	Numm
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Brown	Hatfield	Pressler
Bryan	Heflin	Reid
Burdick	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Seymour
Danforth	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Specter
Dixon	Levin	Thurmond
Dodd	Lieberman	Warner
Domenici	Lugar	Wellstone
Durenberger	Mack	Wirth
Exon	McCain	Wofford

NAYS—11

Burns	Helms	Stevens
Craig	Lott	Symms
Dole	Simpson	Wallop
Gramm	Smith	

NOT VOTING—2

Bumpers Pryor

So the concurrent resolution (H. Con. Res. 292), as amended, was agreed to.

The preamble, as amended, was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 89 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, the Senate was now to recess for the respective party conferences. I have been asked by the Senator from Delaware for the opportunity to address the Senate now as if in morning business.

Mr. President, I ask unanimous consent that the Senator from Delaware be recognized to address the Senate as if in morning business for 20 minutes, and that upon the completion of his remarks the Senate stand in recess as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. ROTH. Mr. President, I want to express my appreciation both to the majority leader and the Chair for the courtesy extended to me to make my statement for the next 20 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2531 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. EXON). The chair recognizes the Senator from Illinois.

#### FISCAL IRRESPONSIBILITY

Mr. SIMON. Mr. President, I picked up a Washington Post Sunday morning, and I read the superb article by our colleague, Senator LLOYD BENTSEN, titled "A Straddle Into Irresponsibility."

In that article, he talks about how we are drifting into greater and greater fiscal irresponsibility with the growth of the Federal budget deficit. I know the Presiding Officer and I are both on the Budget Committee, and I do not think there is any question that the deficit this next fiscal year will exceed \$400 billion. It is hardly conceivable that we are going to have that.

It was not too long ago when the total indebtedness of the Federal Government, from George Washington on, and I think up until just about the time Jimmy Carter took office, totaled \$400 billion. Before he left office, the total debt was less than \$1 trillion. It is now approaching \$3.9 trillion. We cannot keep that up indefinitely.

This article calls on both parties to do something about it, and specifically calls on the President to face up to this. It urges that both candidates for President this time face up to this.

If I can just read the final few sentences here:

It is not my purpose to lay the blame for our deficits at the feet of the President or at the door of the Republican Party. There's enough blame to go around. We Democrats in Congress have added our fair share to the deficit, and there's no question that some of those among us would adamantly oppose the best efforts of any President to deal with the deficit.

The President didn't cause the deficit by himself and can't be expected to deal with it alone, either. But unless the President takes the lead, there'll be no dealing with it at all.

I believe that to be the case.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point this excellent op-ed article by our colleague, Senator LLOYD BENTSEN.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1992]

#### A STRADDLE INTO IRRESPONSIBILITY

(By Lloyd Bentsen)

If Bob Dole had been elected president in 1988, dealing with the federal deficit would have been his top priority, and there's little doubt in my mind it would be under control by now.

The deficit has not been a priority for President Bush, except for a brief period in 1990, and so it has ballooned from \$154 billion to \$400 billion a year. Given the course of his campaign so far, there's every reason to expect more of the same if he is reelected.

The Post rightly honors Dole as one of a small group of senators who have courageously fought to eliminate the deficit over the years. And he really paid a political price for his courage in the New Hampshire Republican primary of 1988.

Dole came into New Hampshire as the front-runner, leading in the polls and having beaten Vice President Bush in Iowa. The vice president actually ran third in Iowa, behind both Dole and the Rev. Pat Robertson.

Bush came out swinging in New Hampshire. He ran TV ads unfairly charging that Dole would increase taxes, simply because that was among the options Dole felt a president shouldn't categorically rule out. "Senator Straddle," the ads called him.

That wasn't the end of it. Dole had supported establishment of the bipartisan National Economic Commission to find ways to cut the huge federal budget deficits. Many believed the commission—headed by two savvy political insiders, Democrat Robert Strauss and Republican Drew Lewis—offered the last best hope of finally breaking the impasse that had nearly paralyzed the budget process for most of Ronald Reagan's tenure.

Vice President Bush didn't see it that way. In one of his New Hampshire TV ads, he said the commission "exists to provide political cover for a tax hike. If it doesn't recommend a tax increase, I'll not only eat my hat, I'll eat Bob Dole's hat."

After beating Dole in the primaries, the vice president went on to the Republican National Convention, where he was nominated. In his acceptance speech, to ensure that everyone knew of his adamant stand against tax increases, he uttered his famous "read my lips" pledge. The commission, which had become a political football in the New Hampshire primary, broke up in disarray a year later. Unable to reach agreement, it issued two separate reports in early 1989. Neither

report recommended a tax increase, but there's no evidence Bush made good on his offer to eat both his and Dole's hats.

President Bush insisted his "flexible freeze" was the way to eliminate the deficit. That and some budget sleight of hand. During his first year in office, he proposed an S&L bailout that was not only financed with more government borrowing but, at the Bush administration's insistence, was exempted from the discipline of the Gramm-Rudman budget law. This drove up the cost of the bailout, which is adding more than \$100 billion to the deficit this year.

In his 1990 State of the Union address, the president was still claiming he would bring federal spending under control. His new budget, he said, would balance the budget by 1993 and do it "with no new taxes."

But a few months later, facing the need for lower interest rates to soften a coming recession, the president admitted his flexible freeze and budget gimmicks weren't up to the job and entered budget negotiations with Congress. This ultimately led to agreement on a series of spending cuts and tax increases intended to reduce the deficit by some \$500 billion over five years.

In New Hampshire this election year, the wheel came full circle. The issue again was taxes, only this time Bush wasn't attacking Dole for refusing to sign a "no taxes" pledge. He was under attack himself from Patrick Buchanan for breaking a pledge he should never have made in 1988.

It was the president's reaction to the Buchanan challenge, far more than the challenge itself, which convinced me his reelection would likely doom us to another four years of ballooning deficits. He reacted, first, by pulling away from the relatively modest tax increases in his own 1993 budget, adding \$17 billion to the deficit over the next five years. Second, Bush reacted by disavowing the 1990 budget agreement as a "mistake."

I am encouraged by recent bipartisan signals that the Senate may be getting serious about deficit reduction. A Democratic amendment to the recent tax bill would have eliminated a middle-income tax cut and instead have used money from an upper-income tax increase to reduce the deficit and help replace our aging transportation infrastructure. On the Republican side of the aisle, there is growing discussion about the need to rein in entitlement programs, which account for the lion's share of the federal budget.

I have reservations about both approaches. The deficit is not our only legacy from the 1980s. Another is a tax system tilted in favor of the well-to-do. A tax reduction for middle-income families is needed if we are to restore a measure of fairness to that system. As to entitlement cuts, if by this my Republican colleagues refer to cuts in Medicare and Medicaid—the federal government's primary health care programs—they need to carefully consider cause and effect. The cause is the rising cost of health care, which not only threatens to push the cost of Medicare and Medicaid through the roof in coming years but has already pushed private health insurance beyond the reach of nearly 40 million Americans.

But disagreeing with these proposals does not mean I dismiss them. Both are worthy of consideration as good starting points for a vigorous debate on deficit reduction.

Without leadership from the White House, however, any effort to make a significant dent in the federal deficit is doomed at the outset, and we're not getting that kind of leadership.

Consider the president's tax plan. Republican and Democratic senators alike agree that he fails to pay for his proposed tax cuts, and the Joint Tax Committee estimates his cuts would add \$32 billion to the deficit over the next six years.

His own administration maintains that adding to the deficit poses more economic risk than stimulus. The Office of Management and Budget warns that abandoning the discipline of the 1990 budget agreement "could trouble financial markets, cause interest rates to rise . . . slow recovery and threaten job creation." Many of the same Republican senators most concerned about the budget deficit—though not all of them—felt compelled to vote for the president's tax cut, budget buster or not. The political pressure to support an initiative by a president from one's own political party can be irresistible, especially in an election year.

I would like to see President Bush prove me wrong. I would urge him to campaign on a pledge to eliminate the budget deficit no matter what it takes, and I would urge his Democratic opponent to try to outdo him in this regard rather than seek to undercut him.

It is not my purpose to lay the blame for our deficits at the feet of the president or at the door of the Republican Party. There's enough blame to go around. We Democrats in Congress have added our fair share to the deficit, and there's no question that some of those among us would adamantly oppose the best efforts of any president to deal with the deficit.

The president didn't cause the deficit by himself and can't be expected to deal with it alone, either. But unless the president takes the lead, there'll be no dealing with it at all.

**THE PRESIDING OFFICER.** The Chair, in his capacity as a Senator from the State of Nebraska, asks unanimous consent that the previous order to recess at this time be momentarily delayed.

Without objection, it is so ordered.

Mr. EXON addressed the Chair.

**THE PRESIDING OFFICER (Mr. SIMON).** The Chair recognizes the Senator from Nebraska.

#### THE NATIONAL DEBT

Mr. EXON. Mr. President, I have just listened to, with great interest and admiration, the statement of my friend and colleague from the State of Illinois with regard to the excellent piece that was just not another op-ed piece, but an excellent statement of not only how we got ourselves into the mess with the deficit and the skyrocketing national debt, but more important, the ways to get out of it, authored by our great friend and colleague, Senator LLOYD BENTSEN, chairman of the Finance Committee.

I wish to associate myself with the remarks of the Senator from Illinois, who inserted that particular piece from the Washington Post on Sunday into the RECORD.

It is the best summary that I have ever seen. Many of us, including the present occupant of the chair, the Senator from Illinois, have been working diligently to do something about this for many years.



When the Senator from Illinois was mentioning how this thing has grown topsy-turvy, totally out of hand, it reminded me of a statement I made from this desk on this floor sometime within the last 2 weeks. I believe that it was within the last 2 years of the Jimmy Carter term of serving as President of the United States—I was a member of the Budget Committee at that time, and I think that was shortly before the Senator from Illinois was elected to the Senate by the great State of Illinois—there was a terrible furor that broke loose fairly late in the year in the activity of the Congress when a shocking revelation was made.

It was very likely that the United States, unless we took instantaneous action, was going to end up that particular fiscal year as much as \$70 billion in debt. And, you know, it sent shock waves throughout the economy. We have been told now for 10 these many years that unless we did something about it, the stock market would make us rue the day that we did not bring ourselves to fiscal discipline.

That was what—12 years ago, give or take a year or two. That was two or three Presidents ago, give or take one or two Presidents. And we keep going on to the matter. If anybody would have indicated back in that year of 1978 or 1979, whenever it was, when this event took place where members of the Budget Committee were suddenly called over in a desperation move by President Carter to address that matter at a time when the national debt was under \$1 trillion. And now we all know within the next few months it is going to bust through the \$4 trillion figure. If we had told the people that that was going to be the case in 1992, we either would have been laughed out of the meeting or the Government very likely would have collapsed at that point, recognizing that there is no way we could sustain a \$4 trillion debt.

So, sometimes we wonder if figures do mean anything. I happen to agree with the Senator from Illinois. Indeed they do mean something. But we are just putting off that fateful day on and on and doing nothing about it.

#### ENTRAPMENT

Mr. EXON. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my very brief remarks a front page article from today's New York Times, April 7, 1992, by Linda Greenhouse, special to the New York Times. The article is headed: "Justices, in Entrapment Case, Cast a Rare Vote Against Prosecutors."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, this is a story that has to do with a Nebraskan whom this Senator does not know or does not remember, but he is a con-

stituent of mine. I do not recall that I have ever known him. But having served Nebraska for about 20 years in the capacities of Governor and now my 13th year in the Senate, the chances are somewhat great that I at least met this gentleman one time. I do not know him. I do not ever remember him even contacting me, but I have been following this particular case with some interest in the paper, primarily, I admit, because this man was from Nebraska.

This is a case—and from what I knew of it, not just because it was a Nebraskan, I was delighted at the 5-to-4 split decision in the Supreme Court yesterday that held in this case—and, again, I do not know all the details, but the basis of it is that in this particular case the Government officials went way beyond any due bounds with regard to entrapment.

I have been criticized a great deal as one of the people who voted for Judge Thomas, and I take note of that again today. I was one of those two or three votes that made the difference with regard to Judge Thomas' being shunted aside or confirmed. Rightly or wrongly, after studying the whole issue in great detail, rightly or wrongly, after looking back at the record, rightly or wrongly, whatever the merits of the case are, I suspect that there has never been a nomination for a Supreme Court Justice that has riled as many feathers and waters as did the matter of Judge Thomas.

At this time I can point to at least one article and say, well, at least in this case it is Judge Thomas, whom I supported and felt in the end might be not the rightwing idealist that some people have alleged that he was and pointed to him as an individual who should not have been nominated, maybe they will take a look at this article, and, whether they agree with the Senator from Nebraska or not, at least I want to point out that I think that the majority of the Supreme Court, with Judge Thomas being one of the key votes here, made the right decision, from my perspective on what is right and what is wrong with regard to proper activity by prosecutors in making the case.

In this case, the Supreme Court of the land held that the prosecutors went way beyond due bounds, and I think the decision was right.

Mr. President, I yield the floor.

#### EXHIBIT 1

JUSTICES, IN ENTRAPMENT CASE, CAST A RARE  
VOTE AGAINST PROSECUTORS  
(By Linda Greenhouse)

WASHINGTON, April 6.—The Supreme Court overturned a Federal pornography conviction on the ground of entrapment today, ruling 5 to 4 that the Government had failed to prove that a Nebraska farmer would have violated the law in the absence of an elaborate sting operation that took more than two years to induce him to order child pornography through the mail.

The decision, written by Justice Byron R. White, was based on earlier Supreme Court

rulings on entrapment, requiring the prosecution to show that a person induced by Government agents to commit a crime had been "independently predisposed" to the criminal conduct.

The ruling is unlikely to cramp the Government's routine use of undercover operations to investigate drug trafficking or the fencing of stolen property. The majority appeared to view this case almost as an anomaly, an extreme misuse of Government power in which an innocent person was led to commit a manufactured crime.

#### UNUSUAL VOTING PATTERN

Still, the decision was notable, both as a rare defeat for the Government in a criminal case before the current Supreme Court and for an unusual voting pattern that saw the two newest Justices, David H. Souter and Clarence Thomas, joining the majority.

Justice Sandra Day O'Connor wrote a dissenting opinion that was also signed by Justice Thomas's apparent mentor on the Court, Justice Antonin Scalia. [Excerpts, page A25.]

Justices Harry A. Blackmun and John Paul Stevens joined Justice White's majority opinion. The two other dissenters were Chief Justice William H. Rehnquist and Justice Anthony M. Kennedy.

With 52 decisions issued so far this term, this was the first case to be decided by a 5-to-4 vote. While such votes were once common, the conservative bloc has established such dominance that the current Court is no longer closely divided on many issues.

With only Justice White and Justice O'Connor writing opinions today, there was no way of knowing why the other Justices lined up as they did, or why Justice Thomas and Justice Scalia parted company for only the second time.

The case, *Jacobson v. United States*, No. 90-1124, was an appeal by a Nebraska man—a "veteran-turned-farmer," as Justice White described him—who at the age of 56 was convicted of violating the Child Protection Act, a Federal law that makes it a crime to receive sexually explicit photographs of children through the mail. The man, Keith Jacobson, initially won an appeal on the ground of entrapment before a panel of the United States Court of Appeals for the Eighth Circuit, in St. Louis. But the full Eighth Circuit upheld his conviction in October 1990.

#### DETAILS OF THE CASE

As Justice White's opinion today recounted in detail, Mr. Jacobson, who had no criminal record, first came to the Government's attention in 1984 after he ordered by mail from a California bookstore two magazines containing photographs of nude preteen and teen-aged boys. The photographs did not depict sexual activity and did not violate the law at that time.

Congress changed the law a few months later, broadening the definition of child pornography to include the type of material Mr. Jacobson had bought. Two agencies, the Postal Service and the Customs Service, began to enforce the new law. Over the next two and a half years these agencies set up five fictional organizations, with such names as the American Hedonist Society and the Heartland Institute for a New Tomorrow.

Postal inspectors found Mr. Jacobson's name on the California bookstore's mailing list and sent him numerous surveys and solicitations to fight restrictive pornography laws by ordering "items which we believe you will find to be both interesting and stimulating." One postal inspector, using a pseudonym, became Mr. Jacobson's "pen pal" for a time.

Finally, Mr. Jacobson ordered a magazine containing child pornography from the fictitious Far Eastern Trading Company Ltd. When the magazine was delivered, he was arrested by Federal agents; they found no other child pornography in his house.

#### A QUESTION OF PREDISPOSITION

Stressing the facts of the case, Justice White said the Government had failed to show beyond a reasonable doubt that Mr. Jacobson was predisposed to violate the law "prior to first being approached by Government agents."

"In their zeal to enforce the law," Justice White said, "Government agents may not originate a criminal design, implant in an innocent person's mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute."

In her dissenting opinion, Justice O'Connor said the Court had expanded the entrapment defense by making it harder for the Government to show the required "predisposition." In previous cases, she said, the Court had required proof of predisposition only at "the time the Government agent first suggested the crime, not when the Government agent first became involved."

The majority opinion vigorously disputed this assertion. Justice White said the Court had established 60 years ago that predisposition must be shown to have existed "prior to contact with law-enforcement officers."

The Court rejected a broader argument that Mr. Jacobson's lawyers had put forward, under which an entrapment defense would be established if the Government failed to show that it had a "reasonable suspicion" for singling out an individual for investigation in the first place.

Under the test the Court applied today, the Government need not show predisposition before starting an investigation. Rather, predisposition would be adequately established after the fact if a suspect, unlike Mr. Jacobson, "promptly availed himself" of an opportunity presented by Government agents to commit a crime.

#### RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 1:05 p.m., recessed until 2:29:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

#### RECESS UNTIL 2:50 P.M.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks unanimous consent that the Senate stand in recess until 2:50 p.m.

There being no objection, the Senate at 2:29:44 p.m., recessed until 2:52 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

#### CONCURRENT RESOLUTION ON THE BUDGET

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 106, Calendar No. 436.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

#### PRIVILEGE OF THE FLOOR

Mr. SASSER. Mr. President, I ask unanimous consent that the staff of the Committee on the Budget and its members, including congressional fellow Jay Sutorius and Gemma Weiblinger, be allowed to remain on the floor during consideration of Senate Concurrent Resolution 106, and I send a list of this staff to the desk which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STAFF OF THE COMMITTEE ON THE BUDGET—REGULAR FLOOR PRIVILEGES

Abraham, Amy, regular.  
Abrams, Janet, regular.  
Adcock, Sam, regular.  
Banks, Kip, regular.  
Bartko, Lisa, 15 minutes.  
Bath, Diane, 15 minutes.  
Bundy, Agnes, w/o pass.  
Boyer, Vi, regular.  
Callahan, John, w/o pass.  
Capretta, Jim, regular.  
Caruson, Kiki, regular.  
Cestar, John, regular.  
Clark, Beth, 15 minutes.  
Daghlian, Lynn, regular.  
Dammann, Julie, regular.  
Dauster, Bill, w/o pass.  
Del Balzo, Tony, regular.  
Deignan, Kathy, w/o pass.  
DeValk, Randy, regular.  
Driscoll, Ann, 15 minutes.  
Echols, Louise, 15 minutes.  
Foster, J.D., regular.  
Flickner, Charlie, regular.  
Gatta, Andrea, 15 minutes.  
Gandy, Nanette, regular.  
Gilliam, Bert, 15 minutes.  
Greenwald, Matt, regular.  
Hannah, Paul, regular.  
Hill, Anne Willis, regular.  
Hines, Kelly, 15 minutes.  
Hoagland, Bill, w/o pass.

Hudson, Laura, regular.  
Huffer, Joan, regular.  
Kearney, James, regular.  
Keane, Sharon, regular.  
Kestnbaum, Amy, regular.  
King, Bruce, regular.  
Larish, Ken, 15 minutes.  
Longoria, Melissa, regular.  
Love, Judy, regular.  
MacGregor, Jennie, 15 minutes.  
Marshall, Hazen, regular.  
Marr, Chuck, regular.  
McLean, Chris, regular.  
McGuire, Carole, regular.  
Mitchell, Kevin, 15 minutes.  
Miller, Anne, regular.  
Naylor, Mary, regular.  
Nelson, Sue, regular.  
Nicholas, Angela, 15 minutes.  
Obermayer, Adele, regular.  
Olin, Doug, regular.  
Ondrick, Cris, regular.  
Paul, Betsy, 15 minutes.  
Phillips, Roy, regular.  
Pratt, James, regular.  
Ramonas, Denise G., regular.  
Reidy, Cheri, regular.  
Rel, Ricardo, regular.  
Rose, Marc, regular.  
Savary, Paul, regular.  
Schrader, Mindy, 15 minutes.  
Smythe, Austin, w/o pass.  
Solon, Mike, regular.  
Stein, Larry, w/o pass.  
Stoddard, Gordon, regular.  
Strumpf, Barry, regular.  
Sutorius, Jay, regular.  
Taylor, Peter, regular.  
Weech, Paul, regular.  
Wheeler, Brian, regular.  
Williams, Dave, w/o pass.

Note.—Individuals designated "without pass" have privileges to be admitted under previous letter to the Sergeant at Arms.

Mr. SASSER. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of Senate Concurrent Resolution 106.

The PRESIDING OFFICER. Is there objection from the Senator from New Mexico [Mr. DOMENICI]?

Mr. DOMENICI. I do not think that will do any good. The deficit is so big we need big computers. But I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the budget resolution that comes before the body for fiscal year 1993 is essentially the same budget as represented by the so-called chairman's mark that was presented to the Senate Budget Committee last week, with one significant amendment; that is, a change in the savings in defense.

As Members know, it is the will of the Senate that all budget savings go to deficit reduction this year. We determined on the Senate floor 2 weeks ago, after we heard speech after speech about the primary importance of deficit reduction, that savings in military spending should go to deficit reduction for fiscal year 1993.

Members feel very strongly on this issue, Mr. President. Some Members of the Senate have announced their re-



tirement over the past few weeks on the subject of the deficit. One felt so strongly about the inability of this Government to control the deficit that he felt compelled to not seek reelection for the Senate, partially, I think, over that reason. Another announced he would not seek reelection indicating that one of the great frustrations of his time in this body was the inability to get a handle on the Federal deficit and to arrest its growth.

So I have listened very carefully to what my colleagues have had to say about reducing the deficit. The distinguished ranking member from New Mexico, Mr. DOMENICI, and I have been very concerned for a number of years about the growth of the deficit. And we have worked diligently to try to reduce it. In formulating the chairman's mark, I offered the Budget Committee a more ambitious proposal to reduce the deficit than what is supplied in the resolution that I am bringing to the floor today.

The original mark that I offered in committee would have provided \$13.3 billion in deficit reduction. The original mark that I presented to the Senate Budget Committee would have reduced the deficit \$10 billion more than the budget presented to the Congress by the President, and would have reduced the deficit \$2 billion more than the budget that has been approved by our colleagues in the House of Representatives.

Achieving that level of savings meant that we had to double the President's very meager reduction in military spending. I think that is a very reasonable and achievable prospect for the world that we live in. By doubling the President's reduction in military spending, we would simply be reducing the military budget by slightly over 2 percent for fiscal year 1993. I thought surely—given the collapse of the old Soviet Union, the very changed circumstances that we find ourselves in these days, both internationally and also domestically, coming now in the longest recession that we have endured since the Second World War—we could find more savings in military spending.

But, alas, a slight majority of the Budget Committee voted otherwise. My proposal failed by three votes, as I recall, and a similar proposal offered by the distinguished Senator from Nebraska [Mr. EXON] failed by one vote. And I can only say that I am very disappointed that in the committee we were unable to make a more significant reduction in military spending, and apply that reduction to diminishing the size of the Federal budget deficit that we will be encountering for the year 1993.

As my colleagues know, ultimately, the job here on the floor of this Chamber is to measure any expenditure that we are called upon to make against the need for that expenditure, and what

that expenditure contributes to the general well-being of our Nation. I, frankly, did not think that the people of this country would object, or even understand why, with a military budget approaching \$300 billion, we could not cut an additional \$5 billion from that budget after our cold war enemy had been vanquished and disappeared, after we won the cold war, and when we stood in the world as the only remaining superpower. I thought perhaps that we might draw some conclusions from the collapse of the old Soviet Union. They remained as one of the two great military superpowers until just a few months ago, and then economic collapse came upon them, and that was followed by political collapse, and now we see the collapse of their military establishment.

The lesson from that, it appears to me, should be that before a country can be a sustainable superpower, it has to be economically strong. It has to be politically strong, and then it can be militarily strong. But to be militarily strong, without being economically strong or politically strong, is like building a house on a foundation of sand. The military leg of that three-legged stool cannot stand on its own.

So I did not think the American people would object. In fact, I thought they would applaud a further reduction in military spending by only \$5 billion, which, as I indicated, really represents, according to my quick arithmetic, less than 2 percent of the military outlays for fiscal year 1993.

But that was not to be, Mr. President. We were voted down in committee, by the thinnest of margins, in our effort to further reduce the military budget and apply those savings to reduction of the deficit. Having made that observation, Mr. President, perhaps the highest praise that I have for this resolution is that it clears the way for the Senate to do its work this year. We all know that this is an election year and of all of the attendant pressures and anxieties that come with that, and posturing, I might say to the distinguished occupant of the chair. But we all know that about election year problems, and they have a way of slowing down bold legislative initiatives.

This year is no exception. And what is most important now is that the budget process needs to move forward. The appropriations bills need to start coming to the floor. We need to start doing our business now in an orderly fashion, as expected by our constituents. We need to consider crucial legislation, dealing with a whole host of matters, including the health and education of our people.

The budget resolution enables all of these events to occur in a logical, orderly, predictable, and precise way.

I am not entirely satisfied with the final product, as I said, particularly

with regard to the area of military spending. I know many of my colleagues frankly on both sides of the aisle join me in that call. But we need to swiftly pass a resolution and we need to get on with our work here in the Senate.

Perhaps one of the most salient features of this resolution is that it places Federal spending below a budget authority freeze at last year's level. Virtually every area of the budget, every function of this Government in the discretionary area is constrained.

For those who sit on the Appropriations Committee to meet these guidelines, we heard just this afternoon from the distinguished chairman of the Subcommittee on Health and Human Services, for the appropriators to meet those guidelines, the appropriations process will have to be extraordinarily austere.

The chairman of the Appropriations Subcommittee on Health and Human Services told some of us informally this afternoon that this is going to be a very lean year; that there were going to be cuts in initiatives that were very important to the American people; there would be a cut he thought in medical research, a cut in the National Institutes of Health appropriation for the vital cancer research, and a whole host of very important research at this time. He outlined cuts in a whole host of programs that fall under his area of responsibility in the Health and Human Services Appropriations Subcommittee.

So this is going to be an austere budget on the domestic side. And we made that point repeatedly during the debate on the so-called walls legislation. You will recall, Mr. President, that I led an effort on the floor of this body some 2 or 3 weeks ago to take down what I perceived to be an arbitrary wall between military spending and domestic discretionary spending saying that we ought to keep the overall deficit reduction targets. But as military spending came down we ought to have the option of using at least a portion of that military spending to invest in the long-neglected needs of the American people, to invest some of it in our infrastructure, in roads, bridges, and airports, waste water treatment plants, sewage plants so we could move forward with our clean water programs. We need to move forward in these areas so that transportation and commerce could move expeditiously.

I also suggested that some of these funds could be used in investing in our education. It is a well-known fact that we have a problem here in this country. The students of American parents, the generation to come to take their place in the work force in the not too distant future, are not comparing favorably in educational accomplishments with the students of other countries, our trading partners and our

trading adversaries, Japan, Germany, et cetera. It was felt that if we could use some of these military savings, cuts in the military budget, to help in the area of education, this would have an uplifting effect for many decades to come.

But that was not to be, Mr. President. Our effort to do away with these walls fell victim to a filibuster. A majority of the Senators wished to do away with the walls and perhaps had in mind, as I did, allocating a portion of the military saving to deficit reduction and a portion to investment in our long-neglected domestic initiatives.

I felt, and I still feel today, very strongly that it is time we start investing once again in our own people. We have borne the long dreary struggle of the cold war and we have won it. The American people have paid a heavy price for that with trillions and trillions of dollars from our Treasury and the tens of thousands who perished. But in the final analysis we won that long, cold war.

I, along with many of my colleagues, felt it was time now to realize some modicum of a peace dividend and take that peace dividend and invest it in our own people who have made the sacrifices and borne the burden over the past 45 years; much more sacrifices than any other nation on the face of this globe. But that was not to be. So, we have a budget authority freeze on domestic discretionary appropriations at last year's level.

Now the committee reported mark has four primary components. First, there is the defense component and it is essentially the President's numbers with regard to military savings. When translated from OMB to CBO scoring, the reductions are actually a little deeper than the President's, but only very slightly.

The committee reported mark reduces military spending below the 1993 caps by \$8 billion in budget authority and \$5.3 billion in outlays. This means that we will be spending in come fiscal year 1993, almost \$292 billion on maintaining the military.

Now, the fact is that we can make substantial reductions in the military budget along the lines that were suggested by the distinguished Senator from Nebraska, the ranking majority member on the Armed Services Committee, Mr. EXON, or reductions in the military budget as suggested by the distinguished Senator from Illinois [Mr. SIMON], or the reductions suggested by the very able chairman of the House Committee on Armed Services, Chairman LES ASPIN. We can make these cuts with policies that are rational and that are supportable, and we can make them without reducing military personnel below the levels contained in the President's budget.

The committee reported mark does not pursue such policies at this mo-

ment in history and, as I said earlier, from my standpoint I think that is a mistake.

We probably will have several attempts to rectify that situation during the course of this resolution. But we will wait and see what happens on amendments that might be offered to reduce military spending and allocate those savings to the deficit reduction problem.

Now, in the international portion of our budget, the committee adopted the mark that I suggested, the chairman's mark, which is below the caps in the budget summit agreement by \$1.3 billion in budget authority and \$800 million in outlays. As with defense, the savings will go directly to deficit reduction. I note that international spending at this level, while below the caps established by our budget agreement, is still \$500 million above a freeze at 1992 levels. As a result the administration's previous request for \$650 million in economic aid to the former Soviet Union can still be accommodated by the Congress if it chooses to do so under the budget figures that are put forth here this afternoon.

But other initiatives, new initiatives, rapid increases in existing programs in the international function simply cannot be accommodated, and in my view that is the way it ought to be. Every area of the budget is constrained and international spending should be no different.

If we are going to reduce domestic spending for our own people, then I think international spending ought to be reduced as well for people of other countries.

In the domestic discretionary portion of the budget, spending is contained within the budget caps for 1993—some \$3.5 billion below the caps of budget authority.

The resolution essentially freezes domestic spending at 1992 enacted levels. And this of course is the final result of not removing the firewall between defense and nondefense savings in fiscal year 1993.

Initially, I had felt, along with the distinguished chairman of the Joint Economics Committee, that some of the military savings might be invested in domestic initiatives that would stimulate a recovery and propel us out of this recession into a very robust recovery.

The economists are almost uniform in predicting that the recovery, when it comes, will be an anemic recovery. Generally, economic rates of growth coming out of a recession, particularly a recession as long as this one—this one has endured now for almost 3 years, when you consider the year of flat growth before we fell off into a recession—we had very robust economic growth, in the range of 5 to even 6 percent real GNP. They are predicting this time about 2 percent.

Bear in mind the economy has to grow at about 1 or 1½ percent of GNP just to provide enough jobs for an expanding population. And we thought that some of the military savings could be reduced to stimulate the recovery, so we could propel ourselves out of this recession with some energy, have substantial economic growth and use that economic growth, and the revenues that would be produced to further reduce the deficit.

I think removing the firewall would have given this body more options than we have now to deal with the problem of recession. But that is in the past. The Senate has expressed its will by a majority vote and this resolution has been tailored accordingly.

Let me correct that. The Senate did not express its will by majority vote. By a majority vote, the Senate said that it wished to take down the firewalls and open up some options with regard to the use of some of the military cuts but we were unable to get the 60 votes to break a filibuster on that particular matter.

So this resolution has been tailored accordingly. It is austere in both the domestic discretionary area and relatively austere in the international area.

We should all recognize that a freeze at last year's level still exceeds the domestic discretionary outlay caps by \$1.5 billion.

As a result, the committee-reported mark achieves the additional savings with an initiative aimed at decreasing efficiency of the Federal Government—an initiative that saves \$2.1 billion in budget authority and \$1.5 billion in outlays.

Let me offer some highlights as to how we make these savings. We reduce the budget of the legislative branch of Government; that is, the Congress, the Library of Congress, the Executive Office of the President, and all the Cabinet offices will have their spending cut by 5 percent in 1993, a total savings of \$159 million.

Travel and communications services of all agencies will be cut by 2 percent. Total savings, just out of travel and communications cuts, nearly \$1.5 billion.

Consulting services and agency aircraft spending will be cut by 10 percent; total savings, \$152 million.

Federal agencies will be permitted to rehire only 8 out of every 10 employees that are lost through attrition in 1993. Total savings by this reduction in the Federal work force, \$320 million.

In total, this prescription for downsizing the Federal Government will save some \$2.1 billion in fiscal year 1993.

Finally, Mr. President, this resolution achieves another \$2.1 billion in savings in entitlements and mandatory programs. Contrary to the expectations of some, these savings can be realized



without placing caps on entitlement growth.

In the CONGRESSIONAL RECORD of March 31, the distinguished ranking member of the Budget Committee, Senator DOMENICI, describes a budget plan that prominently features such a cap. And I know he has been working on this for some time. He has great concern about the growth of entitlements, and I share his concern.

Senator DOMENICI did not bring his proposal to the Budget Committee, so the issue of capping entitlements continues to linger in the shadows of this particular debate.

Just let me say a word about that if I may, Mr. President. The explosion of entitlement growth is indeed a pressing issue for this body to confront. At \$750 billion annually, the entitlement portion of our budget constitutes nearly 50 percent of total budget outlays and 12 percent of gross domestic product.

On the other side of the coin, I think we ought to also say that entitlements bring in a substantial amount of revenues to the Federal Government. In fact, a number of them at the present time are self-supporting and Social Security is producing surpluses in the range of about \$70 billion a year.

But there is no gainsaying the fact that we have a serious problem with growth in the entitlement area, principally in the area of Medicare and Medicaid. Just as health costs and medical costs are exploding in the private area, they are also exploding in the public sector.

In my view, Mr. President, we have to begin to solve that problem. We have to deal with the problem of exploding health costs, to deal with causes and not effects to ultimately solve this problem.

I do not think slapping a cap on entitlements that is a quick fix that is going to last very long. We are not going to solve a problem in health care costs by putting a cap on entitlements and, as Medicare and Medicaid burst through those caps—as they surely will—come back and sequester child nutrition programs, veterans' benefits, Civil Service retirement programs, a whole host of other entitlements.

We are not going to restrain the cost of health care by restraining Medicaid and Medicare so that the bills of the poor and the elderly just get passed over to the private health insurance system.

We are seeing that already. Physicians come to me on almost a weekly basis, hospital administrators on almost a daily basis, when I am back in my State, and they say to me, "Senator, what we are receiving for Medicare and Medicaid recipients simply does not pay our costs of treating them. And we are forced to pass off the deficit in what we are paid by the Government for these services onto private health insurance carriers."

So those who come to the hospital with Blue Cross and Blue Shield and other very excellent—and I might say expensive—health insurance programs in the private sector are also having to defray the cost in the deficits that are left by Medicare patients and Medicaid patients.

The whole health care issue is one that is going to have to be addressed at some point in the not-too-distant future by this administration or a succeeding administration, or this Congress or a succeeding Congress, because it is a problem that will not go away. The problem of delivering quality, affordable health care to the American people, I predict, Mr. President, will be the predominant issue of the decade of the 1990's. And trying to put a cap on Medicare and Medicaid simply is not going to solve that problem, in my judgment. Others may disagree.

The chairman's mark also includes language on reserve funds similar to that contained in last year's resolution. These reserves permit Congress to employ the pay-as-you-go mechanism for initiatives related to economic growth, to health care, to unemployment compensation, to education, to child nutrition; and these reserves guarantee that any initiative will be fashioned on a deficit-neutral basis.

For example, if someone wishes to deal with the problem of health care for disabled coal miners, this reserve language will allow them to be dealt with on a pay-as-you-go basis without increasing the deficit. We had a debate last year about the nature and purpose of reserves, and some Members tried to cast them as a license to tax. I think the experience we have had now for a year with reserves militates against that portrayal. By including reserve fund language in the budget resolution, we are merely preparing the way for committees and then the entire Senate to move on initiatives, if they choose to do so by a majority vote once the substance has been worked out.

I think the point here is worth emphasizing so everybody understands it. A reserve fund does not—I want to emphasize does not—force specific legislation. All initiatives would have to be agreed to under the normal process, including finding a way to pay for them.

Mr. President, at a time of continuing economic stagnation, at a time when our deficit problem is magnified by the consequences of that stagnation, at a time when mothers and fathers are looking at their children and saying, "My children will not have as good a standard of living as I have," at a time when the newest generation coming into the work force now for the first time thinks its quality of life is going to decline vis-a-vis that of their parents, we need to have some flexibility of action in the area of enacting legislation that might create economic growth. And these reserve provisions would do just that.

The resolution also represents an extension of the undramatic and unpraised but effective discipline that was adopted in 1990. I worked long and hard, along with the distinguished ranking member, Senator DOMENICI; Senator BENTSEN, the chairman of the Senate Finance Committee; and Senator BYRD, the chairman of the Senate Appropriations Committee; along with his ranking member, Senator HATFIELD of Oregon. We worked long and hard to produce a discipline in 1990 to try to control the growth of Federal spending.

In the areas of international, domestic discretionary and mandatory spending, this budget resolution upholds the letter of the discipline that we agreed to in the budget summit. It complies with the spending caps and, in some cases, actually exceeds the savings required by that budget summit agreement.

It is interesting to note, Mr. President, that when we talk about the explosion in the deficits in fiscal years 1992 and 1993—and indeed, there has been a significant rise in the deficits—when you look at the proximate cause of this increase in the deficit, you see that hardly any of it is ascribable to policy changes that this Congress has made or, for that matter, the administration present in the White House. The deficit has exploded because of economic conditions that were not anticipated. It is calculated that just the fall-off in Federal revenues alone as a result of the recession raised the deficit in fiscal year 1992 by as much as \$60 billion.

In the area of defense, however, the savings proposed by the chairman's mark were amended in committee, as I said, and essentially cut in half. The numbers approaching the President's suggestion or budget were substituted, and I joined many Senators in finding this result unsatisfactory. But we must abide by a majority rule in this body.

For all of its shortcomings, however, the committee-passed resolution reduces the deficit by some \$8.6 billion in outlays for fiscal year 1992, \$6.1 billion more than in the President's plan. It could have done more; it could have done much more. But what is important now is that we move the process ahead. We have to bear in mind that coming out of this recession, all of the economic experts tell us we have to be very careful and we cannot reduce Federal spending overly dramatic or you run the risk of pushing off into a double-dip recession.

So I think, given the circumstances, we have done the best we could with this resolution, and I commend it to my colleagues this afternoon. I am hopeful and optimistic that after a suitable time for debate and for amendment that this body will adopt our budget resolution and move forward to other matters.

Mr. President, I ask unanimous consent that a description of the commit-

tee-reported budget resolution and accompanying explanation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SENATE BUDGET COMMITTEE—COMMITTEE-REPORTED BUDGET RESOLUTION FOR FISCAL YEAR 1993

(Reductions from CBO capped baseline)

	Budget authority	Outlays
Defense discretionary	-8.0	-5.3
The Committee-reported mark cuts defense spending below the 1993 caps by \$8 billion in budget authority and \$5.3 billion in outlays.		
International discretionary	-1.3	-8
International programs are held at CBO's baseline in 1993. This level is \$1.3 billion below the caps in budget authority and \$0.8 billion below in outlays. The Committee-reported mark will allow continuation of all ongoing programs and accommodate the President's proposed aid package for the Soviet Union.		
Domestic discretionary	-3.5	
Savings in domestic programs are achieved by freezing new spending authority at 1992 enacted levels with additional cuts from an initiative to increase government efficiency. This initiative incorporates cuts in Federal travel and communications, a 10 percent cut in consulting services and agency aircraft, across-the-board cuts in the Legislative and Executive branches, and a plan to limit agency rehires to 8 out of every 10 vacant positions.		
Mandatory savings	-2.1	-2.1
Savings in entitlement and mandatory programs include proposals aimed at reducing Medicare fraud, waste, and abuse, increased user fees, and other mandatory reductions. The Committee also adopted an amendment that repeals recreational boater fees. The loss in receipts is offset by a new user fee for public access to the Federal Maritime Commission's Automated Tariff Filing and Information System.		
Interest and other adjustments	-3	-4
Deficit savings in committee-reported mark		-8.6
Deficit savings in President's plan		-2.5

#### GOVERNMENT EFFICIENCY INITIATIVE, AN OVERVIEW

A freeze in budget authority at last year's level, still exceeds the domestic discretionary outlay caps by \$1.5 billion. The Committee-reported mark achieves the additional savings required by the Budget Agreement with an initiative aimed at increasing efficiency in the Federal Government. This initiative saves \$2.1 billion in budget authority and \$1.5 billion in outlays. The six major components are described below.

(1) Federal workforce attrition: Better management, and restraint on the growth of government activities support measured reductions in the Federal workforce. Under this proposal, domestic agencies would be allowed to hire 8 employees for every 10 who leave the federal service. (Saves \$320 million in budget authority and \$280 million in outlays.)

(2) 10 percent cut in the cost of private consultants: GAO and the Governmental Affairs Committee have found numerous cases where consultants are used to perform services that should be done by Federal workers. (Saves \$67 million in budget authority and \$50 million in outlays.)

(3) 10 percent cut in the use of civilian agency aircraft: Civilian agencies own or lease more than 6,200 aircraft each year. The operating, maintenance, and lease costs for this fleet total \$850 million per year. The Federal Government could save significant amounts by better managing this air force and by using commercial airlines whenever possible. (Saves \$85 million in budget authority and outlays.)

(4) 5 percent cut in Government overhead: This cut would apply to the Legislative Branch, the Executive Office of the President, and Secretarial and Departmental Administration offices at each of the major domestic agencies. In a time of tight budgets, these cuts demonstrate that leaders are willing to tighten their belts too. (Saves \$159 million in budget authority and \$138 million in outlays.)

(5) 2 percent cut in non-personnel expenditures: This category of spending includes agency travel, supplies, printing and communications. Savings are possible from improved productivity and additional restraint on all Federal programs. (Saves \$1,470 million in budget authority and \$888 million in outlays.)

(6) Commissions, councils, panels, and small independent agencies: These groups have proliferated, each with its own administrative overhead, often duplicates missions carried out by larger agencies. No specific commissions are proposed for cuts. However, savings of \$36 million are proposed from a base of \$236 million. (Saves \$36 million in budget authority and \$30 million in outlays.)

#### GOVERNMENT EFFICIENCY INITIATIVE

(In millions of dollars)

	Budget authority	Outlays
Federal workforce attrition strategies: (80 percent replacement)	-320	-280
Legislative branch: (5 percent across-the-board cut)	-104	-94
Executive Office of the President: (5 percent across-the-board cut)	-11	-9
Office of the Secretary—all agencies: (5 percent across-the-board cut)	-44	-35
Object Classes:		
2 percent travel, communications, etc.	-1,470	-888
10 percent consulting services	-67	-50
10 percent agency aircraft	-85	-85
Federal funding for Commissions	-36	-30
Total savings	-2,137	-1,471

#### 1993 DISCRETIONARY BUDGET TOTALS

(In millions of dollars)

	Budget authority	Outlays
<b>DEFENSE</b>		
OMB defense caps	289,035	296,839
Committee-reported mark	281,000	291,500
Difference from caps	-8,035	-5,339
President's request (OMB)	281,574	291,969
Difference from caps	-7,461	-4,870
President's request (CBO) <sup>1</sup>	282,186	292,165
Difference from caps	-6,849	-4,674
House budget resolution-capped	275,035	287,839
Difference from caps	-14,000	-9,000
<b>INTERNATIONAL</b>		
OMB international caps	22,758	20,591
Committee-reported mark	21,440	19,833
Difference from caps	-1,318	-758
President's request (CBO)	22,161	20,591
Difference from caps	-597	0
House budget resolution-capped	22,161	20,591
Difference from caps	-597	0
<b>DOMESTIC</b>		
OMB domestic caps	206,129	225,268
Committee-reported mark	202,655	225,268
Difference from caps	-3,474	0
President's request (CBO)	204,178	225,971
Difference from caps	-1,951	703
House budget resolution-capped	206,129	225,268
Difference from caps	0	0

<sup>1</sup> Adjusted for comparability with OMB outlay rates.

#### COMPARISON OF DISCRETIONARY TOTALS 1993 BUDGET PLANS

(In billions of dollars)

	Committee mark	President's budget <sup>1</sup>	House capped
050 Defense:			
Budget authority	281.0	282.2	275.0
Outlays	291.5	292.2	287.8

#### COMPARISON OF DISCRETIONARY TOTALS 1993 BUDGET PLANS—Continued

(In billions of dollars)

	Committee mark	President's budget <sup>1</sup>	House capped
150 International affairs:			
Budget authority	21.4	22.2	22.2
Outlays	19.8	20.6	20.6
<b>DOMESTIC</b>			
250 Space, Science, and Technology:			
Budget authority	17.3	18.4	17.3
Outlays	16.5	17.1	16.4
270 Energy:			
Budget authority	6.2	5.8	6.2
Outlays	5.7	5.6	5.7
300 Natural resources:			
Budget authority	21.2	21.2	20.8
Outlays	20.9	20.9	20.5
350 Agriculture:			
Budget authority	4.5	4.2	4.2
Outlays	4.4	4.3	4.3
370 Commerce, housing credit:			
Budget authority	3.5	3.1	3.5
Outlays	3.4	3.0	3.4
400 Transportation:			
Budget authority	14.9	13.6	14.9
Outlays	35.1	35.0	35.2
450 Community, Reg. Devel't:			
Budget authority	6.5	5.5	6.0
Outlays	6.7	6.5	6.6
500 Education:			
Budget authority	35.5	36.6	36.4
Outlays	35.2	34.8	35.0
550 Health:			
Budget authority	19.6	19.9	20.5
Outlays	19.7	19.5	20.1
570 Medicare:			
Budget authority	2.7	2.8	2.8
Outlays	2.7	2.8	2.8
600 Income security:			
Budget authority	31.8	30.1	32.7
Outlays	32.6	31.0	32.5
650 Social Security:			
Budget authority			
Outlays	2.5	2.6	2.7
700 Veterans:			
Budget authority	15.7	16.5	16.3
Outlays	15.7	16.1	16.0
750 Admin. of Justice:			
Budget authority	14.1	15.2	14.7
Outlays	14.3	15.4	14.8
800 General Government:			
Budget authority	11.3	12.0	11.0
Outlays	11.7	12.4	11.4
920 Allowances:			
Budget authority	-2.1	-5	-3
Outlays	-1.8	-7	-1.5
950 Offsetting receipts:			
Budget authority		-3	-7
Outlays		-3	-7
Subtotal, domestic:			
Budget authority	202.7	204.2	206.1
Outlays	225.3	226.0	225.3
Total discretionary			
Budget authority	505.1	508.5	503.3
Outlays	536.6	538.7	533.7

<sup>1</sup> President's budget reestimated by CBO and adjusted for comparability with OMB outlay rates.

#### Deficits in 1993 budget plans

	1993 (billions)
CBO total baseline deficits	1,336.0
Committee-reported mark	327.4
Deficit reduction	-8.6
President's budget reestimated	331.8
Deficit reduction <sup>2</sup>	-2.3
Addendum: On-budget deficit (committee-reported mark)	394.2

<sup>1</sup> CBO's deficit total has been reduced by \$0.2 billion to reflect the scoring of IRS compliance initiative funding required by the Budget Enforcement Act.

<sup>2</sup> The deficit reduction total has been adjusted to exclude savings from asset sales. CBO estimates.

#### LANGUAGE PROVISIONS IN THE RESOLUTION

The Committee-reported resolution includes the following language provisions:

Enhanced displays of the deficit, trust fund balances, and gross interest: To aid in the understanding of budgetary aggregates, the Committee-reported resolution also displays the increase in the debt as a measure of the deficit, the balances of Federal retirement trust funds, and gross interest on the debt.



Prohibition of counting asset sales: Consistent with the Budget Enforcement Agreement, and as in each budget resolution since fiscal year 1988, the Committee-reported resolution includes language prohibiting counting one-time asset sales as continuing deficit reduction.

Reserve funds for family and economic security initiatives: In language very similar to that included in the budget resolution for fiscal year 1992, the Committee-reported resolution includes procedural language—called "reserve funds"—that will allow deficit-neutral legislation to proceed on:

Initiatives to improve the health and nutrition of children and to provide for services to protect children and strengthen families;

Economic growth initiatives, including unemployment compensation or other, related programs;

Continuing improvements in ongoing health care programs and phasing-in of health insurance coverage for all Americans; and

Initiatives to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in America's children.

60-Vote Waiver of Point of Order: The Committee-reported resolution includes a section sponsored by Senator Gramm that would increase the number of Senators necessary to waive section 605 of the Congressional Budget Act—which prohibits exceeding the maximum deficit amount—from a majority to 60 Senators.

Economic and Technical Assumptions: The Committee-reported resolution includes a section sponsored by Senator Brown that states the sense of the Congress that the Budget Committees should use the more pessimistic of either the Congressional Budget Office's or the Office of Management and Budget's economic assumptions.

#### FUNCTION TOTALS IN COMMITTEE-REPORTED RESOLUTION 1993-97

This outyear totals in the Committee-reported budget resolution were derived by formula and are not based on any specific policy assumptions. Discretionary function totals are straightlined at 1993 levels with an adjustment in the allowances function to meet CBO discretionary baseline totals. Mandatory totals are at CBO baseline levels except for assumed mandatory savings of \$2 billion in each year (contained in the allowances function) and user fee proposals included in the transportation function.

(In billions of dollars)					
	1993	1994	1995	1996	1997
050 National Defense:					
Budget authority	280.4	280.4	280.4	280.4	280.4
Outlays	290.9	283.0	283.6	282.1	281.7
150 International Affairs:					
Budget authority	19.0	19.3	19.4	19.2	19.2
Outlays	16.6	17.5	17.8	17.9	18.1
250 Space, Science, and Technology:					
Budget authority	17.1	16.9	16.9	16.8	17.1
Outlays	16.3	16.7	16.9	16.8	17.1
270 Energy:					
Budget authority	6.0	6.0	5.8	5.4	5.4
Outlays	5.4	5.6	5.1	4.7	4.1
300 Natural Resources:					
Budget authority	21.3	21.7	21.7	21.4	21.4
Outlays	20.9	21.4	21.4	21.3	21.0
350 Agriculture:					
Budget authority	16.5	16.8	14.6	14.4	14.4
Outlays	16.1	14.7	12.5	12.6	12.7

(In billions of dollars)					
	1993	1994	1995	1996	1997
370 Commerce, Housing Credit:					
Budget authority	82.4	43.7	22.1	8.9	10.6
Outlays	75.4	36.2	-14.2	-42.4	-26.0
On-budget:					
Budget authority	78.5	42.5	22.7	7.3	7.9
Outlays	74.1	36.7	-13.3	-42.0	-27.0
Off-budget:					
Budget authority	3.9	1.2	-0.6	1.6	2.7
Outlays	1.3	-0.5	-0.9	-0.4	1.0
400 Transportation:					
Budget authority	40.9	41.0	40.9	40.9	43.1
Outlays	35.2	36.6	37.1	37.1	37.3
450 Community Regional Development:					
Budget authority	7.4	7.2	7.1	7.0	7.1
Outlays	7.2	7.0	6.7	6.5	6.6
500 Education:					
Budget authority	50.7	49.0	48.7	48.6	49.1
Outlays	49.8	48.9	48.3	48.8	48.2
550 Health:					
Budget authority	104.3	114.5	126.3	140.0	154.9
Outlays	104.0	114.4	125.6	139.1	153.7
570 Medicare:					
Budget authority	132.2	146.2	162.7	182.8	203.4
Outlays	130.4	144.4	160.6	179.9	200.9
600 Income Security:					
Budget authority	198.6	206.2	214.1	227.6	243.2
Outlays	196.8	205.8	215.9	225.1	236.7
650 Social Security:					
Budget authority	306.2	323.6	341.7	360.8	381.1
Outlays	303.1	320.2	338.0	356.9	376.8
On-budget:					
Budget authority	5.9	6.5	7.2	7.9	8.7
Outlays	8.4	9.0	9.7	10.4	11.2
Off-budget:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans:					
Budget authority	34.7	35.2	35.7	36.1	36.5
Outlays	34.7	36.7	35.8	34.7	36.6
750 Administration of Justice:					
Budget authority	14.6	14.7	14.7	15.5	15.5
Outlays	14.8	14.9	14.8	15.6	15.5
800 General Government:					
Budget authority	12.6	12.1	12.0	11.9	11.9
Outlays	13.1	13.0	12.5	11.8	11.6
900 Net Interest:					
Budget authority	213.8	231.1	245.3	260.5	278.4
Outlays	213.8	231.1	245.3	260.5	278.4
On-budget:					
Budget authority	242.0	263.8	283.3	304.6	329.5
Outlays	242.0	263.8	283.3	304.6	329.5
Off-budget:					
Budget authority	-28.2	-32.7	-38.0	-44.1	-51.1
Outlays	-28.2	-32.7	-38.0	-44.1	-51.1
920 Allowances:					
Budget authority	-4.1	1.8	8.3	20.3	34.2
Outlays	-3.8	-2.6	-0.5	15.8	34.7
On-budget:					
Budget authority	-4.1	1.8	8.4	20.3	34.2
Outlays	-3.8	-2.6	-0.4	15.8	34.7
Off-budget:					
Budget authority	0.0	0.0	-0.1	0.0	0.0
Outlays	0.0	0.0	-0.1	0.0	0.0
950 Offsetting Receipts:					
Budget authority	-39.9	-39.5	-40.5	-41.3	-43.0
Outlays	-39.9	-39.5	-40.5	-41.3	-43.0
On-budget:					
Budget authority	-33.4	-32.6	-33.2	-33.4	-34.5
Outlays	-33.4	-32.6	-33.2	-33.4	-34.5
Off-budget:					
Budget authority	-6.5	-6.9	-7.3	-7.9	-8.5
Outlays	-6.5	-6.9	-7.3	-7.9	-8.5
Outlays:					
Budget authority	1,514.7	1,547.9	1,597.9	1,677.2	1,783.9
Outlays	1,500.8	1,526.0	1,539.7	1,598.5	1,722.7

(In billions of dollars)					
	1993	1994	1995	1996	1997
On-budget:					
Budget authority	1,245	1,269.2	1,309.4	1,374.7	1,468.4
Outlays	1,239.5	1,254.9	1,257.7	1,304.4	1,415.7
Off-budget:					
Budget authority	269.5	278.7	288.5	302.5	315.5
Outlays	261.3	271.1	282.0	294.1	307.0
Revenues:					
On-budget	1,173.4	1,261.6	1,339.9	1,413.1	1,489.9
Off-budget	845.3	911.3	968.1	1,017.8	1,070.4
Deficits:					
On-budget	-327.4	-264.4	-199.8	-185.4	-232.8
Off-budget	-394.2	-343.6	-289.6	-286.6	-345.3
Total	66.8	79.2	89.8	101.2	112.5

Note.—On-budget deficit excludes Social Security and the Postal Service.

#### FURTHER EXPLANATION OF CHAIRMAN'S MARK AS REPORTED BY THE SENATE BUDGET COMMITTEE

Mr. SASSER. The Senate Budget Committee, in considering the Chairman's mark, made one major and one minor functional modification. It reduced the defense savings by \$8 billion in budget authority, and it assumed repeal of the recreational boat user fee contained in Function 400, the transportation function.

Otherwise, the committee did not make any further revisions to the chairman's mark which provides for spending below the budget caps in both defense and international funding and funding at the cap for domestic funding which is necessary since the Senate did not permit consideration of S. 2399, which would have consolidated the defense and domestic discretionary spending caps in 1992.

The chairman's mark does provide for an aggregate budget authority freeze at 1992 levels on domestic discretionary spending in all functions. Ultimately whether a budget authority freeze is followed will be determined in final action on the 1993 appropriations bills.

However, in considering the chairman's mark as reported by the committee, the Senate should note some of the following concerns which the chairman's mark addresses.

#### FUNCTION 050

The chairman's mark notes that the mission of the DOE nuclear weapons complex is shifting from weapons production to environmental restoration of many Department of Energy facilities. The mark supports efforts to retrain and retain numerous Department of Energy workers for the clean-up mission. After decades of relative neglect, Department of Energy workforce medical issues should also be addressed including monitoring and surveillance of "at risk" former and current Department of Energy workers and coverage for work-related illnesses. Up to \$300 million may be required for job retraining, medical monitoring, and medical coverage for work related illnesses of Department of Energy employees.

#### FUNCTION 150

The chairman's mark will allow international affairs spending to grow substantially over 1992 levels and accommodate the administration's proposals to aid the former Soviet Union, including a \$12.2 billion budget authority increase for the United States' quota subscription to the International Monetary Fund (IMF), since the international affairs discretionary caps can be adjusted to include the amount appropriated for an IMF quota increase. However, the chairman's mark supports the increased quota subscription only if these funds are used to support

economic reforms in the former Soviet Union. The executive branch, which has only recently justified this quota increase in terms of aiding the former Soviet Union, may decide to support using these resources to aid more familiar recipients. To do so would be both short-sighted and misleading since Congress has been told that these resources will be used to aid the former Soviet Union in its economic, political, and social transformation.

The chairman's mark assumes that funding levels for the function will allow continuation of current levels of assistance for Israel and Egypt. The mark also supports increased funding for the Export-Import Bank, since U.S. Exporters foresee a need for substantial growth in Eximbank financing to assist them in new or expanding markets in Latin America, Eastern Europe, and the former Soviet Union. The United States should be prepared to assist U.S. Exporters in these important markets. The chairman's mark further supports continued funding of the "war chest" at a \$200 million level in order to counter the predatory financing schemes of foreign governments.

## FUNCTION 250

The mark supports the administration's increase in funding the National Science Foundation. The mark recognizes the increasingly important role that the National Science Foundation continues to play in expanding the Nation's scientific base.

## FUNCTION 270

The chairman's mark can support increases for energy supply research and development programs. The multiple benefits of renewable energy warrant an enhanced and sustained commitment to renewable energy research and development over the next decade and can accommodate funding above the administration's request. The chairman's mark could also accommodate increases for the magnetic fusion program. Moreover, the marks assumes funding adequate to complete design work on the advanced neutron source [ANS] in order to move forward with construction of the reactor at Oak Ridge National Laboratory beginning in fiscal year 1994.

The mark also recognizes the growing opportunities resulting from the commercialization of technology developed in Government-operating laboratories such as the Oak Ridge National Laboratory. The Department of Energy has become an active participant in various research and development agreements [CRADAS] established through the Federal Technology Transfer Act of 1986. The chairman's mark could accommodate an increase in funding for CRADAS and other technology transfer initiatives that are aimed at improving the Nation's technological and manufacturing base.

The mark recognizes the ongoing need for such successful programs as the Rural Electrification Administration [REA] and the Rural Telephone Bank [RTB] loan programs. The mark rejects administration proposals to change the way in which REA guaranteed borrowers receive loans through the Federal Financing Bank [FFB]. At the same time the mark could accommodate some of the administration's proposed increases for additional staff years as well as the administration's request for the Rural Development Loan Program.

If the Congress ultimately comes forward with an economic recovery program intended to create jobs and stimulate the domestic economy, the public/private partnership represented by the REA and RTB loan programs

should be duly noted along with the essential health and educational services envisioned in the Rural Development Act of 1990.

## FUNCTION 300

The mark recognizes that the Land and Water Conservation Fund is one of the most important natural resources program of the Federal Government. The mark can accommodate increases in funding for the Land and Water Conservation Fund, including the State Grant Program.

The chairman's mark can also accommodate an increase in funding for waste water treatment programs as well some additional funding for Department of Interior research and development of affordable water desalination technologies and projects.

## FUNCTION 370

The chairman's mark rejects the administration's proposed reductions in appropriations for Postal Service revenue foregone.

The mark also allows for increases in the small business administration's Microloan Demonstration Program which is a highly valuable source of credit for very small businesses and home-based entrepreneurs.

## FUNCTION 400

Increased investment in the Nation's transportation infrastructure is vital to enhancing short-term economic recovery and long-term economic growth. This goal is well reflected in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] which authorizes \$154 billion over 6 years for the Nation's transportation infrastructure.

In light of this need, the chairman's mark rejects the administration proposed \$2.2 billion reduction in transit funding authorized under this act as well as proposed elimination of the Northeast Corridor Improvement Program and deep reductions for Amtrak.

The mark as reported from committee also support proposed repeal of Coast Guard recreational boat user fees and establishment of a new user fee for access to the Federal Maritime Commission's automated tariff filing system.

## FUNCTION 450

The chairman's mark recognizes the need for continued funding for essential economic development programs administered by the Economic Development Administration, the Appalachian Regional Commission, and the Tennessee Valley Authority. It also rejects the proposed reductions in the Community Development Block Grant Program.

The chairman's mark recognizes the urgent emergency management needs of local governments, particularly rural communities. The mark assumes that local and rural community emergency management funding needs will receive the highest consideration.

## FUNCTION 500

The chairman's mark recognizes that there is a need for new Job Corps centers. It notes that there is strong community support to establish centers in many areas of the country including Nashville, Tennessee, Colorado and Illinois. There should be continued commitment to funding the Job Corps 50-50 plan which is intended to open up 50 new centers in the next several years and serve 50 percent more youth than are currently served.

The nearly \$51 billion authorized for function 5000 rejects the administration's elimination of the community services block grant and the deep reductions called for in the library assistance and impact aid programs. It also does not include funding for the administration's "choice grants for

American children", a Federal Education voucher program backed by the Administration.

The chairman's mark recognizes the continued importance of the Pell Grant and campus-based student aid programs as well as TRIO programs for low-income youth and young adults. The mark also can support funding at the full authorized level for the homeless Veterans Reintegration Program [HVRP] which is a highly effective Federal Employment and Training Program.

The mark can accommodate some increase in funding for the Older Americans Act which is essential for providing community based services as transportation, nutrition, and older worker programs which have not always kept pace with growing demand.

Finally, the mark supports continued expansion of the head start program.

## FUNCTION 550

The chairman's mark can accommodate increased funding in a number of high priority health programs including childhood immunizations, community and migrant health centers, national health services corps, and other related programs to improve the health of children including infant mortality initiatives and the maternal and child health block grant to the States.

There is a pressing need to insure that children are fully immunized, particularly pre-school children whose current immunization rates are far too low. A comprehensive immunization strategy built upon existing public health and social services programs is needed.

Some increases for health programs for homeless veterans can also be accommodated in the mark, most especially for the Department of Veterans Affairs Homeless Chronically Mentally Ill [HCMI] and Domiciliary Care Programs.

The chairman's mark also notes the urgency for more funding for public health services aids programs, especially title 1 of the Ryan White Health Care Act which provides emergency assistance to cities hardest hit by AIDS. It also recognizes the need for the National Institutes of Health to address high-priority health problems through high quality medical research which is one of the most cost-effective investments the country can make.

## FUNCTION 570

The chairman's mark urges increased funding for Medicare payment safeguard and audit funding. Appropriate funding of this activity could result in savings of millions of dollars now lost to inadequate claims review and screening of inappropriately submitted claims for Medicare services.

It should be noted that a February, 1992 report by the General Accounting Office [GAO] concluded that an estimated \$1 billion could be recovered by Medicare intermediaries if sufficient funding is provided for Medicare claims processing and payment safeguard operations. GAO found that unrecovered overpayments are increasing Medicare because the volume of Medicare claims has increased at a rate of approximately 11 percent per year while funding for claims review activities has declined since fiscal year 1989.

Timely and accurate payment of Medicare's 700 million claims is of the utmost importance. The mark supports adequate funding to insure that the Medicare Program is administered properly and efficiently. It would be prudent not to apply Government-wide reductions in certain activities to contracts entered into for the administration of the Medicare benefit program.



## FUNCTION 600

The chairman's mark could accommodate a substantial increase in the Women's, Infant and Children Supplemental Feeding [WIC] Program, up to a level of more than \$3 billion in 1993. Additional spending on this program can be justified since it has been estimated that each dollar spent on pregnant women in the WIC Program can save from \$1.92 to \$4.21 in Medicaid costs for both mother and infant.

The mark also rejects that administration's proposed \$435 million reduction in the Low Income Home Energy Assistance Program [LIHEAP] which would work a severe hardship on many low income families throughout the country. Consideration should also be given to forward funding this program for more timely disbursement of funding in the winter months.

## FUNCTION 700

The chairman's mark seeks to provide the maximum amount possible under the caps for veterans medical care, and notes that the administration's budget requested an increase of almost a billion dollars for this purpose.

## FUNCTION 750

The chairman's mark recognizes the critical role of the judiciary in the Nation's war on drugs and other criminal activities. In 1992 drug cases may total 25 percent of all criminal cases filed in district courts and since 1980 drug related criminal cases have increased by over 300 percent. Legislative mandates such as sentencing guidelines have also markedly increased the workload of the judiciary system, hampering its ability to try criminal and civil cases in a timely fashion.

The mark also recognizes the need for more expeditious handling of bankruptcy cases which reached the 1,000,000 mark for the first time in 1991. This workload will not diminish in the near future.

While the chairman's mark can not accommodate all funding increases in this function, full funding for judiciary requests should be given the highest consideration.

## FUNCTION 800

The 1990 budget summit agreement provided additional funds outside of the domestic discretionary caps for Internal Revenue Service tax enforcement initiatives. The chairman's mark urges the Appropriations Committee to provide the full \$183 million in budget authority and \$179 million in outlays to fund these initiatives.

## FUNCTION 920

The chairman's mark in this function assumes substantial reductions in the use of service contracts by domestic Federal agencies. At a minimum, budget authority savings of \$67 million and outlay savings of \$50 million are possible. Several studies have put Federal consulting service contract spending at between \$4 billion and \$20 billion. Thus, significantly higher spending reductions may be possible through curtailment of these contracts, especially where past research reports by the GAO and various inspectors general have indicated that such costs may exceed in-house costs by 25 to 40 percent.

The Office of Management and Budget must do a better job identifying the costs of service contracts to the Federal Government, developing more specific object class designations for service contracts and reporting this sort of spending by category in its annual budget submission. Agency compliance with the prohibition on using service

contracts to circumvent hiring ceilings should also be closely monitored.

I, along with Senator PRYOR who has been a leading advocate for better controls in this area, intend to request a full-scale report on ways of dealing with consultant service abuses from the Office of Management and Budget in the near future.

Mr. SASSER. Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I wish that I were able to come before the Senate today and tell the Senate and those who are interested in our proceedings that we have the deficit of the United States under control, but regrettably that is not the case.

As a matter of fact, Mr. President, this budget is, I believe, everything the chairman said. I may have a little different version of some parts of it.

Indeed, one way of looking at it is that because of the defense cuts and the fact that we are not increasing the other two national accounts that are appropriated every year by a substantial amount, one might say it is a rather frugal budget and that, clearly, it would look like it begins to cut a swath in this deficit. But, truthfully, that is not the case. The best we can say is that the \$400 billion deficit that we are probably going to hit this year will not be in excess of \$300 billion, maybe as much as \$330 billion, depending upon economics.

That is not much to vouch for this budget, and certainly there will be many who will say, "I will not vote for it."

But I choose to talk about the most important aspect of this budget as I see it, and then to spend a little time talking about the missing part of this budget.

First, Mr. President, I note that in the Presidential campaign, the contested one between those seeking the Democratic nomination, and looking at the two frontrunners, recently I saw in the newspaper a full page of questions of importance to our future answered by each of them. And I looked over it intently wondering—and I do not say this in any derogatory manner, but I anxiously looked to see if the major problem confronting the future of the United States was in that list of questions and answers. I am rather perplexed and somewhat embarrassed to say, no fault to the candidates, the most important issue confronting the United States of America was not even asked, thus not even addressed.

Frankly, Mr. President, I do not believe, at least this Senator—and everyone knows I am a staunch supporter of President Bush, but this Senator does not intend to leave the issue of the deficit of the United States out of the next Presidential campaign. I am going to do what I can by things I do here on

the floor, things I do outside of this Senate in terms of my Senate office, to see to it that the two candidates for President of the United States answer the question: How are you going to get the deficit under control? What do you propose to get this almost diabolical aspect of our governance under control? And the answers cannot be vague. The answer cannot be eliminate waste, fraud, and abuse. We have abused waste, fraud, and abuse so much that essentially we ought to be talking about how we abused it rather than how much it will save. It cannot be, "Well, we are going to restrain the bureaucracy here and there, we are going to put a freeze on the Federal Government." All of those are perhaps, in these difficult times, things we ought to do.

But, essentially, Mr. President, the reason I believe the deficit is the real issue, how are we going to get it under control, is simply the following: If we do not get the deficit under control, it is this Senator's opinion that within 7 or 8 or 9 years the United States of America will be bankrupt. Now, that does not mean we are going to file a chapter 11, I say to the chairman, but what it means, Mr. President, is that our children and our grandchildren will have lower and lower standards of living rather than increasing standards of living, which has been the history and legacy of each generation to the one that followed. So when we ask where are the jobs going to come from, and when Americans say what is wrong with the economy and what are you going to do about it, either to the Senator from New Mexico or to the chairman or the Presidential nominees. The American people ought to understand that there is no fix for American prosperity in the future—growth and good jobs, productivity increases. There is no easy fix for that.

This huge debt, which cumulatively now is over \$3 trillion, believe it or not, will be \$6-plus trillion 9 years from now. If we continue with current policy, reduce defense as much as we can, spend very little on the domestic programs that we appropriate every year, no substantial big increase, we will increase the Federal debt over the next 9 years, according to CBO's calculations, by another \$3.1 trillion. At that point in time we will be at 6.2 to 6.4 trillion dollars.

Now, what the American people have to understand is that this is a recipe for economic disaster, a recipe for an America that does not have jobs for her people, an America that does not have opportunity, an America that has said we do not care about saving our children from poverty. Without sustained economic growth and productivity increases, we are going to build a legacy for our children and grandchildren that, materially speaking, is the worst legacy any generation has ordained for

the next and the next generation in American history. No doubt about it.

Sometimes it is difficult for our American people to understand that the Federal debt is related to jobs. Let me see if I can do it in as simple a way as I can so that I, too, will understand it. It, hopefully, is not an economist speaking. But essentially, Mr. President, a capitalist economy—and American is one of those—must have capital in the private sector on which to grow. There must be savings by the American people to feed that need for capital so business can grow, retool, and reeducate. The essence of capitalism is to have capital available for the business sector, large and small to start new corporations and sustain mature ones. If you want sustained economic growth with low inflation, you must have sufficient capital to do that. The way to get capital is to save. If you have already borrowed \$6.2 trillion that you do not have and spent it, you are taking the savings and using it for debt instead of for growth, giving it to the bondholders to whom you owe money, instead of the corporations that need it to build their new equipment, retool, reeducate, and compete effectively.

I can stand here and say, if we do not fix this disincentive to save, Mr. President, we do not care about our children or grandchildren and we intend to ignore their future well-being.

Having said that, Mr. President, the truth of the matter is that we are not going to control that deficit unless and until we decide that the mandatory part of this budget—and I will explain that in a moment, although the chairman did a very good job explaining it—unless and until we decide that in some way we are going to control mandatory spending.

Now, Mr. President, if we were to ask the American people, who think we are doing a terrible job in Congress, how much of the Federal budget is on automatic pilot, where the money is just rolling out because we have passed laws that entitle people or institutions to Federal money, most Americans think that we control all of the budget every year, all the time.

Mr. President, half of the Federal budget is on automatic pilot. That means that when this budget resolution is passed, if it is passed, and if it becomes the resolution of the Congress, that for 1993 half of the budget will automatically be spent on something like 500 entitlement or mandatory programs. Exclusive of Social Security, those programs will be growing at about 9 percent a year, led by the health care programs, for they will increase far more.

So what this budget resolution does is control defense spending, control foreign assistance, control domestic spending like the National Institutes of Health, education—all those programs that we appropriate such as the Bureau

of Indian Affairs, and the Interior Department. All of those will be barely growing. Yet, the deficit will be going up because 9 percent is being added regularly to a basket of mandatory expenditures on which we set no limits.

Having said that, Mr. President, I from this side of the aisle have been preaching this for a long time. I am beginning to believe truthfully that we must solve this problem or we will not have a legacy of prosperity, jobs, and growth. I do not think I am alone in suggesting that this part of our budget, exclusive of Social Security which pays for itself, including its annual increases—I do not think I am alone in suggesting we must get that under control.

I am reading from the report of LEON PANETTA, chairman of the House Budget Committee, with additional views from WILLIS GRADISON. Page 20 of the document dated December 1991.

The committee recommends the design of a cap enforced through the budget process on the growth of entitlement programs in order to reduce their underlying growth rate to sustainable figures. If that growth rate can be restrained permanently, the deficit problem in the entitlement area can be controlled. If not, all alternative sources of deficit reduction, defense cuts, domestic discretionary, taxes or user fees, will sooner or later be exhausted and the deficit will resume its inexorable climb.

Mr. President, frankly I see more support for trying to do something about this deficit than I ever have in the past. In the past, it seemed that every now and then somebody got worked up and said let us do something about it. But I think we are beginning to understand that a bankrupt America is an America that is not growing, is not producing new jobs, whose businesses large and small are not increasing their productivity. Essentially, no economic future, no standard of living increases for the next generation is the equivalent of bankruptcy, and that is the legacy we leave them.

So the time is now to do something about it, not necessarily in this budget resolution, to join together from both sides of the aisle to find a way we can control these 500 or so entitlement and mandatory programs and see if there is some way to force change so that they will not grow as rapidly.

Mr. President, I will address the issue of growing medical costs in a moment. But let me praise the Budget Committee. Albeit it was a slim vote by the Budget Committee, by 11 to 10—all Republicans joined with me, as their ranking member, and two Democrats joined us, on the issue of what level of defense spending is right for America now, this year.

Frankly, the decision was made that we would continue on the downward trend that the President had given us, that we would accept his \$50 billion in additional cuts on top of the \$170 billion we already had in place. By doing

that we would not take a chance at reducing our defenses before we understood what kind of new world order we live in; that we would take it slow so we would not add hundreds of thousands of people to the unemployment rolls by forcing them out of the military. They are not draftees. They have contracts with the Federal Government. They are all volunteers. It is the best military we have ever had.

The committee decided that the President and the Joint Chiefs have provided sufficient cuts under those circumstances, and this committee reported to the Senate a budget resolution in concurrence with that.

As the debate follows and flows with reference to others who want to cut defense more, either the Senator from New Mexico or others will supply the needed information to justify the excellent work that the committee did in deciding to cut defense as much as the President asked for and no more for the year 1993.

I will close these remarks by suggesting that the chairman spoke to the future and budget restraint as he said, if I read him right, that medical costs had to be constrained or we would never get the deficit under control. I think that is accepted by almost everyone as the true facts about America's future deficit and fiscal responsibility.

We cannot raise taxes high enough to pay the increasing costs built into these programs but the Senator from New Mexico believes that as part of the reform of our health care programs, we ought to set in advance the amount of money we can spend. That would be the cap level. Then the reformers will put together the new national package to fit within those caps. I submit if we do not do it that way we will never control health care costs within this budget because, as we produce new and expanded health care legislation, the sky is the limit as to what it will cost.

There has to be some reality check, reality test. I believe that we should fit the reforms to the amount we are allocating in an enforceable manner in advance.

Having said that, let me just recap for everyone the truth about what is happening in this budget that is before us.

I have indicated that I believe the real issue and the only remaining one for budget resolution this year is the level of defense spending. I am very hopeful that the Senate will sustain the recommendations of the Budget Committee and go to conference with the House with the President's defense numbers intact.

But make no bones about it, this budget resolution assumes that we can save \$2.1 billion in entitlements and mandatory savings from reducing Medicare fraud, waste, and abuse. Frankly, I do not believe we can, but it says we are going to save that and maybe the



committees will find the savings. But even with the mandatory spending, including an increase in interest expense of \$13 billion in this budget, but excluding Social Security, will increase by \$54 billion between 1992 and 1993. If \$11 billion of that is interest, it seems to the Senator from New Mexico, if my arithmetic is right, we have \$40 billion in non-Social Security, noninterest, automatic increase in mandatory programs growing, I say, to the chairman of the Finance Committee, at almost 9 percent a year.

There is no way we can keep pace with that, even though we are cutting defense by \$20 billion in budget authority, those mandatory expenditures just continue to gobble up our resources at a never-ending pace. So let me suggest that if we really are serious about rebuilding an America that is prosperous and growing with good jobs and standard of living increases for our children and grandchildren, we cannot do that, unless and until we get this deficit under control; and that is going to take a goodly number of years under the most stringent of processes. But without it, all the dreams about our future, all the dreams about our competitiveness in the world, all the dreams we have about leaving our children a legacy of standard of living increases and opportunity, I believe go for naught.

We will not achieve them at Federal debt levels that, according to my calculations, will do the following in the next 9 years. Right now, the debt is \$3.1 trillion, Mr. President, believe it or not. With all of the alleged ratcheting down that we claim we have done in budget expenditures, the next 9 years will see the debt double again. Another \$3.1 trillion onto the \$3.1 trillion that has accrued. I do not believe we can go much beyond that without seeing tremendous failures in the American economy, and people will ask Presidents to fix it, will ask Congress to do something about it. Essentially, we will dabble around the edges while the center, the real guts of America's future, prosperity, and growth in the private sector, in a changing world, will not grow and not compete.

So, from my standpoint, we ought to pass this budget quickly, but we ought to direct our attention to fixing the problems in our processes that do not permit us to control the mandatory expenditures as I have described them here today.

With that, Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I thank the distinguished ranking member for his remarks, and I think the remarks of my friend from New Mexico are heartfelt. He, as am I, is extraor-

dinarily concerned about the growth of the Federal deficit, the growth of the national debt. We now find that the national debt comprises what is the equivalent of over 50 percent of the gross national product of this country. Our friends, the Italians, have a national debt that now is in excess of 100 percent of their gross national product, and we certainly do not want to go down that particular path.

I think my friend from New Mexico is being very candid with our colleagues here today when he says he wants to ask each of these candidates running for President what their plans are for dealing with the deficit. He is going to try to hold them to giving us an honest statement about what is to be done. Well, I want to join with my friend from New Mexico on that, but I want to say to him, good luck on getting an honest retort.

I read in the Washington Post this weekend an op-ed piece written by the very able chairman of the Senate Finance Committee, Senator BENTSEN of Texas, and he reminded me of some things that I had forgotten, but I remember other Presidential campaigns. I remember the very able minority leader, a man that I respect enormously—I think the generation represented by the minority leader, Senator DOLE, the generation represented by the distinguished chairman of the Finance Committee, Mr. BENTSEN, may very well be the finest generation of Americans in the 20th century. They were the Americans who braved the Great Depression years of the 1930's, who marched off to fight the war against fascism and militarism and won it, and came home to build the most prosperous economy the world had ever seen, at least in modern history.

I remember in New Hampshire in 1988, when Senator DOLE tried to tell the people of that State and the people of this country the truth, and he was asked, "If you are elected President, will you raise taxes, will you raise additional revenues?" He did not say he would; he did not say he would not. He simply said, "I am not going to abandon any responsible way of dealing with the fiscal problems of this country."

So what happened? He was pilloried in the media of New Hampshire and all across the country as a tax raiser—raising taxes. He was confronted with the slogan "read my lips," which I thought at the time was not responsible, and it pained me greatly. He is a man that I admire, one of a different political party and one of a different political persuasion, but one that I thought could have discharged the obligations of Chief Executive of this country with distinction, and it pained me to see him pilloried, and his drive for the nomination cut short by what I felt was not a responsible course of action on the part of his opponent.

I well remember the campaign of 1984 when this country was reeling from the revenue hemorrhages that were occasioned by the ill-advised Kemp-Roth tax cuts of 1981, which produced a structural deficit of \$200 billion as a result of the passage of those tax cuts. Even in a full employment economy, you are going to have a deficit of \$200 billion. The books just could not balance. So in 1984, another candidate for President told the American people what he was going to do, and he lost, as I recall, 49 out of the 50 States. He said, "I am going to raise your taxes, and I will tell you. The other man is going to, but he will not tell you."

So I say to my friend from New Mexico, good luck; I join him in the effort, but I am not sure that men of good will, and responsible individuals who seek the highest office of this land, can afford to level and tell the American people the truth, because some will come after them and try to take advantage of them and be irresponsible, as they are trying to be responsible.

Let me just address one other thing, and then I want to yield the floor, and perhaps yield it to my distinguished friend from Texas after my friend from New Mexico, who may want to reply.

I am concerned about entitlements. Entitlements are a problem in this budget, there is no question about that. But let us have a balanced view here of what the problems really are. I was just looking down the list of so-called mandatories or entitlements. In fiscal year 1993, these entitlements, mandatories, will produce \$448.5 billion in revenues. Social insurance revenues represent 40 percent of the total revenues that flow into the Federal Treasury.

The outlays from entitlement programs will be \$751 billion during the same time. That is 50 percent of total Federal outlays in 1993.

So not all entitlements are self-supporting, not all have their own dedicated revenue source, and there is a problem, no question about it.

But that is only one of the problems in the Federal budget, one of the problems in the deficit, and you are not going to cure it, in my judgment, by simply saying we are going to put a cap on Medicare and Medicaid or on entitlements because when you look at entitlements you find that 85 percent of the growth in entitlements over a 5-year period is solely because of the growth in Medicare and Medicaid. When you put a cap on them, they are either to flip back over as they burst through those caps, as I said earlier, and then we'll sequester or cut—in layman's language, reduce—the other mandated programs such as child nutrition—a whole host of others. And I know my friend from New Mexico does not want to do that. I know him well enough to know that that is not his intention.

What are we going to say to those who are on Medicare and Medicaid? When they hit the cap, are we going to say: Well, now, look. We cannot afford to pay any more here for your Medicare, and if the doctors will not treat you at this price and the hospitals will not take you at this price, you are just out of luck.

And what are you going to say to the poor, many of them working poor, when they cannot get treatment under Medicare because we have hit the cap and you just reduce those Medicaid payments down to the point where nobody wants to care for them? What are you going to do with them?

We live in the latter part of the 20th century. Every other modern, industrialized country save the Union of South Africa has dealt with the problem of getting health care to their citizens in a way that they can afford it except one: The United States of America.

I frankly do not think that simply putting a lid on these public health programs and saying: We are going to pay this much and no more, and the rest of it is up to you, to the old folks and to the poor—that just will not work. The society will not stand for that. There will be political repercussions, and there ought to be in democratic government.

So, I know my friend from New Mexico is concerned about these matters. I am myself, but we have to, I think, take a balanced view of this and realize that you cannot come at it just from one angle.

Mr. President, it is always a matter of some consternation to me. I really cannot fully understand why there is so much concern in some areas about the deficit, there is so much concern about the entitlements, and I share both of those concerns, but somehow funds spent on the military, that just does not matter. In other words, those are just like funds like manna from heaven. You do not have to borrow that money; you do not have to pay interest on it. That is just there, and that does not raise the deficit. That is a given.

I never can quite comprehend that mindset, but it is prevalent, and it is out there.

So let me conclude by saying to my friend from New Mexico, I share his concern and I know that his concern is genuine. I know it is heart-felt, and he is speaking from his heart when he tells his colleagues that he wants to do something about entitlements and he is concerned about the deficit.

I want to join with him in seeing that we can get these Presidential candidates to tell us really what they are going to do about the deficit, because in the final analysis we in the Congress can help. And we in the Congress have a responsibility; no question about that.

But in the final analysis, if we are going to really deal with the tough fis-

cal problems of this country, we are going to have to deal with them behind the leadership of a Chief Executive Officer of the country, and that is the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know Senator BENTSEN wants to offer an amendment. I just want to take no more than 5 minutes.

First of all, Mr. President, the Senator from New Mexico understands that dollars spent are dollars spent. Whether they are defense dollars or whether they are one of the mandatory entitlements, small little programs somewhere, that is automatically paying out to some group, or whether it is domestic spending, or whether it is foreign assistance, they are all contributing to the deficit at this point because we are borrowing all the time. We are not anywhere close to a balanced budget, so we are borrowing for any of these programs, no matter what their size.

We should not forget that defense is now being reduced under the current plan by \$220 billion. The problem is it is being reduced, and we are spending so much that we do not see any results. Everybody is still running around waiting for the peace dividend. But we put \$170 billion in savings in the 5-year agreement. If the President's \$50 billion is following through, that is \$220 billion, and the deficits do not come down.

As a matter of fact, I believe it is fair to say that if you want to get rid of all defense spending, you still will not get a balanced budget. As a matter of fact, at the turn of the century, without doing something else, the deficits will be rising again, so it is obvious that something is wrong with the process.

To conclude that we are undertaxed—which I understand the distinguished chairman really believes we should not have had the tax cuts in 1981. And I think he really believes because we did that, that is why we have the deficit and we would be in much better shape if we had not done that. But, Mr. President, while that was being done, the dramatic increases in the Social Security taxes on the American people were already in place. They had been put in place during the 1970's and became effective in the 1980's. The American people in working America are not under taxed.

In this year that we are planning for, starting in October of this coming year, Mr. President, the tax take of America—that is the revenue that will come in—with no change in law will increase by \$86 billion. Social Security, the small Medicare payment, and income taxes are going to go up if the American economy is growing as predicted in the budget, producing \$86 billion in increases. Part of it goes to Social Security, we understand. But the

deficit does not come down by \$86 billion because the entitlements and mandatory expenditures are going up, as I described them in my remarks about 10 or 15 minutes ago. So it seems to me that we all know the problem. No one is going to recommend significant new taxes under the processes that govern our budgets and our expenditures of money. No President is going to do that.

We are going to ask them how they are going to cut the budget, and it is not going to be taxes from either one because there is no assurance after the taxes are enacted that the deficit will not be just as bad as it is unless we decide to control the automatic expenditures of our Government.

So with that, I am hopeful that Senators who have amendments will let us know about them. On our side, I want to be cooperative with the majority and get this budget resolution to a final passage state as soon as possible.

I join with the distinguished chairman of the Finance Committee as a cosponsor of his procedural amendment, which I believe is greatly needed.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. BENTSEN].

#### AMENDMENT NO. 1761

(Purpose: To limit the levels of Social Security outlays and revenues in the resolution to current services levels and to clarify the application of section 301(i) of the Congressional Budget Act of 1974 to a concurrent resolution (as reported and amended), amendments thereto, or any conference report thereon)

Mr. BENTSEN. Mr. President, I have an amendment that I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN] for himself, Mr. GRAMM, and Mr. DOMENICI, proposes an amendment numbered 1761.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

#### SEC. . SOCIAL SECURITY OUTLAY AND REVENUE LEVELS.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional



Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

Mr. BENTSEN. Mr. President, today I am offering a Social Security trust fund protection amendment to the budget resolution. This bipartisan amendment is cosponsored by my colleague, Senator GRAMM, of Texas, and Senator DOMENICI, of New Mexico. This amendment closes the loophole that now makes it possible, with a simple majority vote, to enact legislation that reduces the reserves of the Social Security trust funds and threatens their financial integrity.

If you are dealing with the unemployment compensation fund or you are talking about the railroad retirement fund or Medicare or the civil service retirement fund or the military retirement trust fund, in each of those instances, any attempt to reduce those reserves, to spend them without an offset, is subject to a 60-vote point of order. And I think the protection for the Social Security trust fund should be no less.

Mr. President, when we negotiated the budget agreement in 1990, we intended to erect a Social Security firewall that would protect the Social Security trust funds from any changes that might weaken their financial integrity. One extremely important element of this firewall was to prohibit the budget resolution from allowing any reduction in the balances of the Social Security trust funds below levels expected under present law. With this firewall in place, if a bill proposed to increase Social Security benefits without paying for the cost, without replenishing that money to the reserves, or to cut Social Security revenues without also reducing costs, it would violate the budget resolution and be subject to a 60-vote point of order.

Well, we succeeded in taking Social Security off budget and out of the deficit calculations. We also tried to make sure it was protected from unwise legislative changes. For the most part, we succeeded. We made sure that the budget resolution reported by the Budget Committee could not reduce the balances in the Social Security trust funds.

However, we failed to provide 60-vote protection against amendments to the budget resolution that would allow the Social Security trust funds to be harmed. This protection is afforded to all other trust fund entitlement programs—all of them.

Mr. President, it is time to plug this hole in the Social Security firewall. If we do not, there is no telling how many unfunded proposals will be offered, or how much damage could be done to the Social Security Program.

Senators will recall the crisis the Social Security Program went through in

1982 and 1983, when there was a very real risk that Social Security benefits would not be paid. At almost the last minute, the Congress passed bipartisan legislation to save the Social Security Program and put it on a path toward financial recovery. That experience taught us the importance of erring on the side of safety where Social Security is concerned.

I do not think anyone here wants a repeat of that experience, or anything close to it. But unless we act today in a bipartisan manner to strengthen the Social Security firewall, there is a real possibility that could happen.

We have had some experts that have testified before the Finance Committee on the issue of what constitutes a safe reserve fund, what kind of cushion you need to have, what kind of leeway you should have. And most of the experts that have testified before us believe that the combined Social Security trust funds should have a minimum level of no less than 100 percent—that is a 12-month level—and preferably 150 percent—that would be equivalent to 18 months of benefit payments—in order to be safe. This 150-percent level will protect them in the event of a prolonged economic downturn, or other adverse changes that could lower the reserves. At the beginning of 1992, however, the reserve level of the combined old-age and survivors insurance and disability insurance funds had only reached 96 percent of 1 year's outgo.

The 1992 report of the board of trustees of the Social Security trust funds was issued just last week. This is the annual report that measures the short- and long-term financial health of the funds. This year's report estimates that under the intermediate, or "most likely" set of economic and demographic assumptions, the combined trust funds will not attain 18 months of reserves until some time in 1996. That is if the economy improves and everything goes reasonably well for the next 4 to 5 years.

The new trustees report also tells us that the disability insurance trust fund is in very poor financial shape. Last year, the disability fund was projected to be solvent until the year 2015 under the intermediate, or most likely assumptions. Under the more conservative, or pessimistic, assumptions used last year, the fund was projected to run out of money in 1997.

Mr. President, let me tell those Senators who have not yet had an opportunity to review the 1992 Social Security Trustees Report that last year's "pessimistic" trustees report estimates of the financial status of the disability insurance fund have become this year's estimates of what is most likely to happen. The trustees now estimate that the disability insurance trust fund will be exhausted in only 5 years—in 1997—under this year's intermediate, most likely assumptions, and could be

bankrupt as early as 1995 under this year's pessimistic assumptions.

Further, Mr. President, the trustees now tell us that the combined Social Security trust funds will never reach a safe, 18-month reserve level under the current pessimistic assumptions, and could be exhausted before 2020. No one expects this to happen, but the recent experience with the disability fund should be cautionary for Senators who may believe that the Social Security trust funds are a cornucopia full of money to fund new benefits.

Precisely because the Social Security trust funds are not a cornucopia, they need the protection against unfunded legislation that is afforded by my amendment to the budget resolution.

Virtually every American depends on Social Security for their present or future well-being. I have always believed that one of my most important duties as a Senator is to assure that the Social Security Program is financially sound and will be there for American workers and their dependents when they need its benefits. I believe that many of my colleagues on both sides of the aisle share this view. We need to act together to establish a 60-vote point of order against unfunded Social Security amendments to the budget resolution now, in order to protect the Social Security trust funds from any and all future legislation that would raid their reserves and threaten their solvency.

Mr. President, my amendment is designed to prevent passage of legislation that would reduce the Social Security trust fund reserves. I urge Senators cast their vote for this amendment. By doing so, Senators will be voting to protect the financial integrity of the Social Security Program.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I am very happy to join my colleague from Texas as a cosponsor of this amendment. Under the current rules of the Senate, there is a 60-vote point of order against any budget that comes from the Budget Committee to the floor of the Senate that raids the Social Security trust fund and that lowers the level of solvency in the Social Security trust fund. After 3 long years of debate about how we could protect the solvency of Social Security, we put their firewall into place. But, because of a quirk in the language as adopted, we have the anomaly that the committee of jurisdiction, the Budget Committee, cannot report a budget which lowers the value of the trust fund unless a 60-vote point of order can be overcome. But at the same time, while the Budget Committee is prohibited from raiding the Social Security trust fund, any Member of the Senate can offer an amendment to reduce the Social Secu-

rity trust fund, but, because of this quirk in the rules, can avoid the 60-vote point of order.

So, Mr. President, this is simply an effort to have a uniform rule that says, having adopted a provision by Senator Heinz that built this firewall, our objective is to protect the Social Security trust fund. If a Senator comes up with a new benefit to pay out of the trust fund, thereby lowering its solvency, or if a Senator proposes to reduce the flow of revenue into the trust fund, thereby reducing its expected solvency level, there would be a Social Security protection point of order requiring that Senator 60 votes in the Senate. We had a lengthy debate about this. Senator Heinz made it his major objective to protect the Social Security trust fund.

We have a quirk in the rules of the Senate that does not make any sense. I do not believe it was ever anybody's intention that this quirk exist. The distinguished senior Senator from Texas and I are seeking to close this loophole to assure that, as it becomes more and more attractive to raid the Social Security trust fund, we have a barrier erected to prevent that from happening.

So I hope my colleagues will vote for this amendment. I think this amendment gives us our strongest assurance that we can provide under the rules of the Senate that any action that would lower the value of the Social Security trust fund will be subjected to the highest standard to which we subject any action by the Senate; that is that 60 percent of those duly chosen and sworn would have to vote to override a point of order that is erected with the clear objective of protecting the Social Security trust fund.

There may be extraordinary circumstances where that decision might be made. But I think it is a mistake not to assure that this wall is erected on the floor of the Senate as we have erected it in the Budget Committee. I think this is a very important amendment and I think the objective of the amendment is very simple.

If you want to guarantee that we erect a protective barrier between the budget and the Social Security trust fund, then you want to vote for the amendment of the senior Senator from Texas to assure that if somebody tries to take action that lowers the trust fund there is a point of order against it.

I urge my colleagues to study this amendment. It is simple. It is straightforward. I think it is needed. I think the American public is for it and I urge my colleagues to vote for it.

Mr. BENTSEN. I thank my distinguished colleague from Texas for his very eloquent statement.

Mr. President, I ask unanimous consent that a letter from the American Association of Retired Persons, which

supports this amendment, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF RETIRED PERSONS,

Washington, DC, April 7, 1992.

Hon. LLOYD BENTSEN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR BENTSEN: The American Association of Retired Persons (AARP) supports efforts to strengthen procedural safeguards for the Social Security trust funds. When Social Security was taken out of the calculation of the federal deficit in 1990, a set of procedures was established to "fence-off" the trust funds. A 60-vote point of order lodges against most efforts in the Senate to increase spending or reduce trust fund revenues.

However there is a hole in the fence. When the Budget Resolution is on the Senate floor, Social Security trust fund income and outgo can be changed with a simple majority vote.

AARP understands that you will be offering an amendment to S. Con. Res. 106 to "fix the hole." AARP supports this amendment and urges its passage.

AARP has long maintained that the trust funds should be cordoned off. Without such protection, the trust funds would be vulnerable to efforts to unduly enhance benefits or reduce revenues. Such protection is especially necessary now, in light of the fact that the trust fund build-up has been slowed because of the recession.

The amendment you will offer completes the protection so necessary to maintaining public confidence in the stability of Social Security. Adoption of this amendment sends a strong message that adequate trust fund reserves should be maintained so current and future generations will receive the benefits they expect and deserve.

Sincerely,

JOHN ROTHER,

Division Director,

Legislation and Public Policy.

Mr. BENTSEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield such time to the distinguished Senator from New York as he may consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, I have listened with great respect to the remarks of the chairman of the Finance Committee and I want to join him in this exercise, for reasons that are somewhat different from his, perhaps, but which in the end will be, I hope, sufficient for the purpose of the Senate. I speak as chairman of the Subcommittee on Social Security of the Finance Committee.

And I speak with a measure of concern and regret, at the end of a long effort to discuss this matter which goes back, now, 15 years, and which obviously has failed. The subject under discussion is what to do with the surplus in the Social Security trust funds. There is an enormous surplus. It comes in, now, at the rate of \$1.5 billion a

week—\$1.5 billion a week. By the end of the decade I think it will be about \$3 billion a week.

The surplus contemplated until the year 2015, to give a sense of the order of magnitude, would buy the New York Stock Exchange, which is to say purchase a very large share of the equity capital of the United States. It is that large an amount.

It goes into a trust fund, every dollar connected by number and name to an individual account. It is meant to be a contributory pension system.

If you look at your payroll check you will see that Social Security deduction under the initials FICA, for Federal Insurance Contributions Act. These are not taxes. In the usage we have developed we refer to them as payroll taxes. They are not taxes. They are paid under the Federal Insurance Contributions Act. They go to a trust fund to be held, to be kept for the payment of benefits and nothing else.

In the past few years we have grown accustomed to using this surplus as if it were, in fact, tax revenue. And we obviously mean to continue to do so for the next quarter century, until the surplus disappears. And we will find a trust fund filled with debt instruments. If we go to pay benefits after that there will be no money there. We will have to raise taxes of some kind, or payroll contributions, at that point.

What is going on? My good friend, the junior Senator from Texas invoked the memory of our beloved former colleague, John Heinz. I know what John Heinz thought about this subject of the use of Social Security revenues for general Government expenses. So do those many millions of Americans who would have been listening to the "Today Show" in January 1990, if I recall.

He and I were together being interviewed on this subject, and I cited an editorial in a New York newspaper, the Rochester Democrat and Chronicle, which said that what is going on is thievery. The anchor person in New York said to Senator Heinz: "Senator Heinz, would you agree with the characterization that what is going on now is thievery?" And he said, "Certainly not. It's not thievery, it's embezzlement." Embezzlement is what is going on and what we evidently mean to continue with.

It is very convenient for the other side of the aisle. It means we can use trust funds as general revenues and keep all the fake promises that had been made in the 1980's as we quadrupled the national debt. I am sure that they will have their way. They have their way all the time in this body.

My distinguished chairman and friend, and the junior Senator from Texas, mentioned the budget agreement that was made at Andrews Air Force base as having this strange ar-



rangement which makes a decision to raise or lower Social Security contribution rates subject to a normal majority vote and that this was somehow an oversight. It may well have been, but I have to say to my colleagues that the outcome of that budget agreement did not seem to be very promising for the party that gave this Nation Social Security.

I stood on this floor, Mr. President, and I said from my extensive knowledge of Roman history acquired through the novels of Robert Graves, I have come to the conclusion that it was a mistake for Senators to allow themselves to be taken to a military base and be put under armed guard to reach an agreement with Caesar.

I said then, Mr. President, and I say again, the Andrews Air Force Base agreement, and the legislation in return, I said on this floor that this is a proposal to reelect the President by statute. We on our side of the aisle gave up all flexibilities we might have wished to use in the event a long recession came, as one did, in the event that some new economics needed to be developed in the context of an enormous and continuing surplus, that the normal countercyclical measures did not seem probable. But we voted to reelect the President by statute and we shall have done, I do not doubt.

But why the party of Franklin Roosevelt should be party to this I do not understand. I think we are frittering away a great political legacy.

Around the country today there are primaries. One of the Democratic candidates has proposed a tax system, a flat tax which would abolish all levies, including the Federal Insurance Contributions Act, which would cease to make Social Security a contributory pension plan. Once you abolish that, whatever payments are made in the way of old age pensions are welfare, subject to whatever Congress decides, with the individuals having no claim on that money because they did not contribute it. And no one seems to mind that.

We have been frittering away our understanding of what Social Security is about. We have misread our own experience in our own time.

My friend from Texas said that in 1983 there was a real risk that benefits might not be paid. No, Mr. President. I was a member of the Commission that produced this agreement and we knew our situation and we knew that there might come a day if we did not act—and we did act frequently—when, in fact, checks could have gone out a day late, but the program was not insolvent. To the contrary, it was heading for the present surpluses, and we knew that. But it was in some ways too complicated a subject. You cannot explain it in 30 minutes. You just cannot.

I wonder what the Democratic Party thinks it is doing to itself. If we will

not protect Social Security with the integrity that the system designed, put in place by Franklin Roosevelt, and Robert F. Wagner, and Frances Perkins, three New Yorkers, I do not know who needs the Democratic Party because from the outset, the opposition to this program has been persistent and the ability to play on fears continuous.

I believe, Mr. President, and I do not have it at hand, but there are from time to time public opinion polls on this. I believe a majority of nonretired adults in our country do not believe they will get their Social Security. And you ask what does that speak of public trust when a majority of the American people nonretired think they will not get their benefits which are contributed under their name, under obligation of trust to a trust fund. The Democratic Party has not done very well if 57 years into this system in which we have not been a day late or a dollar short we still have not received the confidence of our country.

Now we have the witness of such as John Heinz that we are embezzling the funds for other purposes, and do not think that word will not get around. Do not think there will not be people willing to describe what will be at some level of truth.

I said 57 years, Mr. President. I should make it further clear that the first old age pension was paid out in 1942. So, in fact, we are here just over one-half century into the program. Never a day late or a dollar short, but still not trusted, and now we commence to give reasons why.

I can understand that there are those who think that we have to protect ourselves against an effort to return to a pay-as-you-go system, but, Mr. President, do you know what is really on their minds? They think the surplus will some day be converted into greater benefits. I do not blame them. I sympathize with them, but it is not true. It is not true.

There is a hammerlock on this money. The money has been spent. The trust funds hold a part of our \$4 trillion debt.

We had, in the Finance Committee, Mr. Darman testify before us awhile ago, and he was speaking about the ratio of debt to gross national product—gross domestic product, if you want. He made a point, which I think the very able and learned chairman of the Budget Committee might want to contemplate, and even get some econometric work done.

I was looking at a chart he had of debt as a percentage of GDP under three economic assumptions. At the lower economic assumption, which is a 2-percent growth rate, which we have not been reaching this last couple years, in about 4 to 5 years' time, the debt begins to compound as a percentage of GDP.

I said to Mr. Darman, "That means, sir, that the debt at that point is out of control." He said, "Yes, that is right; the debt is out of control."

And probably the only way you could deal with it at that point is to monetize it. That is a technical term, monetize. It means inflation. It means wipe out the value of the currency and become a Third World country, or developing nation—I think that is the euphemism—where people cannot pay their debts and whose bonds the Japanese do not want to buy. We are on the edge of that. It is a little complicated, but government is a little complicated.

The Director of the Office of Management and Budget said at a growth rate that is entirely conceivable, in about 4 years' time, our debt will go out of control, and then that will be a dandy legacy for all involved. But it is a pattern here, a pattern that has been in place since the deficit was put in place. Some may recall, but it has gone back so far I do not think many will, that in the early 1980's, I would stand on this floor and say the deficit is a deliberate construct. It is intended to immobilize the Government on the domestic front. The term used in the White House, the OMB, was "starve the beast." It was an idea. Young men have ideas like that.

Friedrich Von Hayek—and President Reagan was an admirer of Von Hayek, and why not had he have been—visited the White House in the mid 1980's, and he asked about this. It later came out in a magazine in Vienna titled "Profil." That is the name of the Journal. The wonderful title was "Maggie und Ronnie," referring to Margaret Thatcher, known as Maggie, and Ronald Reagan, known as Ronnie to his friends, or at least to that German editor. It was an interview with Von Hayek who, regrettably, no, not regrettably, full of age and honors, had just died. His book, "The Road to Serfdom," was, in 1944, one of the defining texts of our age. It took 40 years for many people to understand it, you might say.

He visited President Kennedy, and President Kennedy had said what a great book that was, how he read his books, and he, Von Hayek, probably accurately, said, "He had never read a word I had written." But he had visited the Reagan White House, and President Reagan was an admirer and advocate. So he said to him it was nice to have the two great English-speaking nations, Canada and the United States, under the—

Mr. SASSER. Will the distinguished Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. Does my friend from New York believe that President Reagan had read Von Hayek's books?

Mr. MOYNIHAN. I am sure he had read of them, and as much as he gathered the message of "The Road to Serf-

dom," he agreed with it. To be of good cheer. But Von Hayek related how in the White House he said, "Why are you running these great deficits? That is not good economics at all."

And he said, "It was explained to me that if we didn't have these deficits, the Congress would spend the money on wasteful domestic programs." They were deliberate.

In his recent work, and a wonderful work, about that period, called "Sleepwalking Through History," Haines Johnson of the Washington Post has a footnote in which he says of the Senator from New York that I was the first to warn that the deficits were deliberate. I was denounced and then proved right. Mr. Stockman was paid a very large sum of money to write it all out in a book which, curiously, having explained how it all went wrong, still did not sink in. But here we are in the aftermath, uncomprehending, stumbling and embezzling Social Security as the best idea we can find around.

I want to go back, because this is so important, to talk a little bit about the history here, and in particular, what it meant that in 1977 we went to a partially funded system without really, without really getting it clear that that is what we had done, a system that would throw off great surpluses with no idea what we had to do with those surpluses, how, in fact, you could, indeed, save them.

I was in the Senate at that time. I was a member of the committee of conference that brought this legislation back to the Senate floor. And I assure you, I stand here and say I did not really understand what we had done. It was the work of the professionals, a very able, gifted generation of men out of the depression years who had managed Social Security so well and expanded it to disability insurance and then to Medicare. They had given their lives to it and handled it so well that no one needed to understand it in the Congress or the executive, principally for this reason, and this is the crux of what I am about to say. In the early years of Social Security, it became clear that the only feasible mode of financing was to pay as you go.

It became an intergenerational transfer, but an intergenerational transfer in which all those involved had claims. I mean, they had paid in, and what they paid in they would, depending on the various formulas, receive in return. But each generation would finance the benefits. The working generation would finance the benefits of the previous generation, of the retired generation.

It was pay as you go, but it was contributory. Individuals put money in a trust fund account.

I am sure the distinguished chairman of the Budget Committee will recognize at least the name of Prof. Luther H. Gulick. He taught at Columbia for

many, many years and is generally regarded as the man who created the modern Executive Office of the President.

The Committee on Administrative Management, if I recall, met in 1935-37. Luther Gulick knew Franklin D. Roosevelt. In those days everybody knew everybody. At least New Yorkers did. In the summer of 1941 he called on the White House and talked to the President. He said, "You know, Mr. President, I do not think the payroll tax"—as he called them—"the payroll contributions are very efficient." He was public administrator. And all over the country, a mostly female work force, was entering their 15 cents per week on cardboard cards, precomputers. Now we can whip up and tell you every contribution you have made in the last 45 years, and what you are getting. The largest cost of sending out the statement out to you would be the stamp. Technology has changed.

So he said, "You might be better just to collect the money from general taxes and pay it out." That was the public administrator, the management type talking.

Roosevelt responded to him. And like any good person visiting a person, Luther Gulick wrote it down. This is what Roosevelt said—and you can just see F.D.R. doing it, putting his hand out and saying, "Luther, I am sure you are right on the economics, but those taxes were never a problem of economics. We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pension. With those taxes in there, no damned politician could ever scrap my Social Security program."

All over the country, one Democrat is proposing scrapping it right now, unintentionally, I am sure, and here we are debauching the trust fund.

I can attest to the authenticity of Luther Gulick's statement, sir, because it happens that at the age of 100 he is alive and well, and living at 15 Spring Street in Potsdam, NY. I spoke to him last week. With a mind clear as Easter bells, like anybody living up in Potsdam, the thing he was most interested in was the condition of the ice on the St. Lawrence River. He told me that the ice was breaking up but slowly. And he remembered very well this visit with President Roosevelt.

It is no accident that you have the Social Security number. Ask anybody what his or her Social Security number is.

Actually, we should do something about that. We are now giving out Social Security numbers in maternity hospitals. I would like us to have some sort of right of passage when you start paying into the system, get a plastic card that says you are a contributor. The administration does not want that. I can imagine they do not want it. Forget about your contributions; you will

never get it. Bang bang, surprise, we are protecting it for you. Ha, ha, wait until you try to get it.

But I do think it would help if we gave people an annual statement of what their contributions have been and what their benefits would be; remind people that they have survivor's benefits; if a spouse dies, the living spouse and the children get benefits, and things like that. It is old age, survivors, and disability insurance.

I would love to see some creativity. You know, people ought to know that Social Security is there, it is theirs, and it belongs to them. Franklin Roosevelt, of the Democratic Party, saw to that. We put this right in place. That is their money, and not ours to embezzle as we please, as we are doing.

The first Social Security financing debate began within months of the program's enactment in August 1935.

Just a detail and an important one: At that time, the Supreme Court was being suspicious of and hostile to most of the New Deal legislation coming out of the White House via the Congress.

Francis Perkins was at a reception one afternoon and a member—and she recorded this in her book: "The Roosevelt I knew." She was worried about what to do with this program which American social scientists and socially concerned persons had been working on for 40 years to develop. A Supreme Court Justice came up to her and said, "How are things going with you, young lady?" And she said, "Oh," and Francis Perkins was a master of getting great men to do things for her. She was asked: What is going on? "Oh, sir," she said, "we have this wonderful program, but I know if we pass it, you will declare it unconstitutional." And the Justice said, "Tell me about your program, Madam Secretary." She explained it, and then he whispered to her, "The taxing power, my dear. All you need it the taxing power."

So the legislation introduced by the then gentleman from North Carolina, the chairman of the Committee on Ways and Means in the House, as a tax bill. As a matter of fact, about 2 years later the Court reviewed it. It was challenged as unconstitutional, and the Court said, "Well, it says here the powers of the Congress: the Congress has the power to levy and collect taxes. This is a tax. Therefore, it is constitutional."

In 1937 contributions began being collected, and the Republican Presidential candidate, the father of our able and respected junior Senator from Kansas, NANCY LANDON KASSEBAUM, Governor Landon charged that billions would be raised and wasted by Washington big spenders. Alf Landon foresaw in 1935 what his party would so enthusiastically join in doing in the 1990's, which is debauching the Social Security trust funds.

Well, of course, FDR said it will never happen. Those are trust funds.



Congress will never be able to get ahold of them. They belong to individuals. Ha, ha. A lot of people thought the same.

In January 1937, the payroll contributions went into effect and Arthur Vandenberg, who was a Republican from Michigan, questioned the fiscal prudence and political viability of building up a \$47 billion trust fund by 1980. This was called for under the 1935 act, before the 1939 amendments went to pay-as-you-go. He said—in the usage of his time, I will reach far back—"With that much money, you can buy every farm in America."

I have said earlier—and you were not presiding, sir—that the surplus we now will develop by the year 2015 would buy the New York Stock Exchange, in order of magnitude. Vandenberg asked prophetically—Alf Landon was prophetic—"would such a fund remain intact and not suffer periodical depletions?" And Vandenberg went on, this is wonderful. He said, "It is more than human nature in a political democracy can rationally anticipate." Meaning that we would have a surplus and not deplete it is more than human nature in a political democracy can rationally anticipate. He recommended that the Social Security fund accumulate only a reasonable contingency reserve.

In 1938, a special study group proposed basically the same thing. And Congress followed these recommendations in the Social Security Amendments of 1939. And we have managed well on a pay-as-you-go basis for the past half century.

Now, in 1977, the system was in financial trouble. Inflation was high. Remember that postoil shock inflation? And benefits were imperfectly indexed to inflation according to a benefit formula enacted, I believe, in this Chamber in a hurry in 1972. It was just a mistake. And we could see ourselves looking out to where people would receive incomes in retirement that would be higher than in their working years, and their benefits would be far more than was anticipated. We had a general difficulty in thinking what to do.

But, on the other hand, we obviously had a crisis, because of that indexing deficiency. That is the origin of the notch. We had to correct the overindexing problem. By 1977, reserves had been permitted to drop to about 6 months' worth of benefits. Prior to 1971, the fund had never fallen below a year's worth of outlays.

But in 1977, we made the decision to go to a partially funded system. We moved up the schedule of payroll tax increases. That was a big decision.

(Mr. GRAHAM assumed the chair.)

I would say to you, Mr. President, I do not think anybody noticed it. I would invite interested parties to go back to the debate here on the Senate floor and see if anybody said: Now everybody get ready this is going to be

throwing off at a \$1 billion a week extra, \$2 billion, \$3 billion. Start thinking about that. What will you do?

And then immediately thereafter something else happened. This might have sunk in. You know you get used to the idea. But then in the late 1970's, wages fell behind prices for the first time since World War II. That is a situation guaranteed to deplete a fund like this because we had indexed benefits to prices while contributions were by definition connected to wages. And we started going back down into that crisis point we were at in 1977.

In 1983, the reserve fund was down, as the Senator from Texas has said, the 1 month's worth of benefits. I remember calling the actuary and saying, is this so? He said, yes, it is so.

I said, it cannot be so.

He said, that is what we thought but it is so.

So, the President and Congress worked together. Senator Howard Baker, a wonderful majority leader, helped put together an agreement for a National Commission on Social Security Reform, and I served on that body with our most distinguished Republican leader, Senator DOLE, who was the ranking minority member of the Subcommittee on Social Security, and with our beloved John Heinz.

And it took us a little while to put our legislation together, but then in a rush of activity about 10 days, 10 nights down at the building the President's guest house across from the White House there on Pennsylvania Avenue—and I might as well tell the story. We had elected a new Congress and the President, and one day Senator DOLE was on the floor and that morning he read an op-ed in the New York Times which said that Republicans in the Congress were not cooperating with the White House.

He said, we are continuing fine. He said, a lot of problems we can solve. Take that Social Security problem. When you first hear about it, it sounds impossible to deal with but, as a matter of fact, if you think about it, as you get to know it, and he has been listening we had a year of hearings. As you listened, you get to realize it is not that hard, we can solve this thing.

And it happened that was the day the new Congress came in, and I was sworn in for a second term, and BOB DOLE was standing right over there, and I went over to him and I said, and he repeated this in public or else I would not repeat it, myself, I said, "BOB, you mean what you said this morning about Social Security?"

He said, "Yes."

I said, "Well, BOB you are right. It is doable, had we not better do it? In the end we have to govern."

He thought a moment, not a very long moment. He said, "Tell you what, you going to be around tomorrow?"

And I said, "Well, I sure can be. We were thinking about Florida, Key West,

or something like that, but it is all right there are more important things."

The next day around 4:30 I met with him in his office and Bob Myers, Robert J. Myers, one of the people who devised the Social Security program in the thirties, a great actuary, a Republican, I guess an actuary should be Republican, actually, if I had to choose a party for actuary, Republican sounds right to me. He was there and we talked about this some more.

Then I said to him, "Why do we not ask Barber Conable to come over? And Barber Conable then was ranking Republican House Ways and Means and a member of our commission. The same day at 4:40 we met and Barber came, and Barber knew more about Social Security than anybody in the Congress, certainly than I, and he went on to be Chairman of the World Bank, and now I am happy to report is back to us as a citizen regent of the Smithsonian. We talked for another hour or so and then BOB DOLE, Senator BOB DOLE, left the room and I did not notice why he left the room but he did. He came back in about 10 minutes and he said, "Could you fellows be at Jim Baker's house at 7 o'clock tonight?" And we both said "Fine, sure. Where is Jim Baker's house?"

And Jim Baker was then James A. Baker III, who is now our distinguished Secretary of State. He said, "Do not worry, White House cars will pick you up." Those celebrated perks that can be of use from time to time. About 6:30 or so we were picked up and driven out to Mr. Baker's house. We met down in his den. He had down in his basement and we decided: What do you say we get this done?

I do not want to impute any political motives to Mr. Baker because he acted in the best possible manner but I think as a chief of staff he did not want a near bankrupt Social Security system on his hands when he ran his President for reelection in 1984. And nor should he.

And I think it then took us 10 days and the amendments were in place, we brought back the report of our commission, bang, bang they were passed, and the President signed them and we were in place and we were on a glide path to a huge surplus, that we never really saw, even then.

As early as 1986, 3 years later, the same Robert J. Myers recommended that we return to a pay-as-you-go system.

I wonder if I could get the attention of our able chairman of the Budget Committee who has been so supportive in these matters from the beginning and just to say something to him and there is no reason he should know this.

In 1988, Bob Myers came before the Finance Committee and said, "Senators, Senators, you aren't going to save this money. Go back to pay-as-

you-go. Otherwise you will find yourself a morally compromising position." I do not say he used that term. I use it.

You will be using trust funds as general revenue. Bob Myers served on the staff of the committee that devised the Social Security Program, a committee appointed by Franklin Roosevelt. He was a staff member. He worked for Social Security all his life. He heard in the 1930's a great Republican Senator say, "Oh, golly. A Social Security surplus of \$47 billion." Arthur Vandenberg said, "It is more than you believe. It is not in the nature of the Democratic political system not to misuse that money." Arthur Vandenberg, 1937.

Forty years go by and Robert Myers who helped us devise this—we could not have done it without him—said, "Senators, you will not save this money. Go back to pay as you go."

Well, we did not. We tried to. The trust funds, the surplus grew and grew and grew, and under the system we put in place—now if I could be heard by any Senator on anything, I would like them to hear this—under the system rates we put in place 1977, the trust fund will reach \$5.5 trillion by the end of the first quarter of the next century.

Mr. SASSER. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. The Senator from New York knows there are a number of Senators who had expressed their anxiety about the growth of entitlements, and have indicated if we are ever going to get this deficit under control, that something must be done to curtail the growth of entitlements. Some are even contemplating putting a cap on certain entitlements and not letting them grow beyond a certain period.

Does the Senator from New York find it interesting that those same Senators that are proposing to limit the growth of entitlements, to put caps on, are also opposed to making the Social Security system a pay-as-you-go system? In other words, put a limit on the entitlements, but do not put a limit on the revenues that entitlements generate.

The Senator from New York is an expert on these matters. But as I understand it, Social Security is the largest of the entitlements. It is the one that produces a surplus of revenues. And it seems to me incongruent that those who want a limit entitlements and put a cap on growth of entitlements at the same time would resist using surpluses or resist returning surpluses in entitlements back to those who paid them into a trust fund.

Mr. MOYNIHAN. Well, these are the political heirs of people who did not want Social Security in the first place but do love regressive taxation. And they are going to end up getting their way, and we shall have facilitated it.

Mr. SASSER. So, if I understand my friend from New York correctly, what they are saying is they want to limit

the benefits, they want to put a cap on benefits, but they do not want to limit on regressive taxation or on the revenues that these entitlements bring in the Treasury.

Mr. MOYNIHAN. Exactly.

Mr. SASSER. So limit benefits but do not limit the revenues that they raise.

Mr. MOYNIHAN. Limit benefits and embezzle the trust fund and get away with it under the name of fiscal prudence and the Fort-Andrews agreement. What do you need a Democratic Party for if that can be done for you by others?

And we made one effort, I say to the Senator, to call attention to what was going on. In 1989, in January, at my request as chairman of the Subcommittee on Social Security, the General Accounting Office gave us a wonderful report called "Social Security, The Trust Fund Reserve Accumulation, The Economy and the Federal Budget."

The trust of their report was, hey, you have a wonderful opportunity here. If you will balance the budget in terms of current operating accounts, collect as much taxes as you spend, and then take that Social Security surplus and save it in the only way it can be saved, in economic terms, which is to buy down the privately held Treasury debt, you will double the savings rate of the United States—in one instant, double the savings rate.

But it then said—if you do not do that, then you should seriously consider going back to pay as you go.

Two months later—this is March 1989—the National Economic Commission made its report. And this was established by statute in the closing days of the administration of President Reagan. The cochairmen were Drew Lewis and Robert Strauss, now our Ambassador to Russia, I guess, one-time Ambassador to the U.S.S.R. President Reagan appointed Drew Lewis and Caspar Weinberger. ROBERT BYRD, then Senate majority leader, appointed Lee Iacocca; Lane Kirkland, president of the AFL-CIO; and this Senator, Jim Wright, then Speaker of the House, appointed William H. Gray, Bill Gray, our great friend, Felix Rohatyn and Robert Strauss. Senator DOLE, as minority leader, then appointed my good friend Senator DOMENICI and Dean Kleckner of the American Farm Bureau, if I recall. House minority leader ROBERT MICHEL appointed Representative Bill Frenzel, an irrepressible Midwesterner, and Donald Rumsfeld, a most able former Secretary of Defense and head of the OEO program, and President-elect George Bush appointed former Congressman Thomas Ludlow Ashley and our great friend, who used to sit right over here, Paul Laxalt, Senator Paul Laxalt, the President's great friend.

We could not agree on an united report, although there is much closer

agreement than you might think because everyone heard Jim Tobin, Nobel laureate from Yale University, say, "Hey, save that trust fund. You have a national economic mission. Your problem is we are not saving. So save it."

We made a pretty good report as we described the situations. Our report came out and it is a good document. Very little attention was paid to it. If only the President had paid attention, he might not have been down to a 38-percent approval rating, or whatever it is, 30 percent, and we might not be down to a 22-percent approval rating as an institution.

Senator Heinz, I am just told, was opposed to pay-as-you-go. But he also said embezzled, so there you are.

Here is what we said, and I think now I am reaching the time where I think the Senate has been patient enough with me.

But we said save that Social Security surplus by going back, by balancing the current operating budget, and using the surplus to buy down the privately-held Treasury debt.

Our concluding chapter was entitled "All Flags Flying!"

To say again, we can slouch into the 21st Century, or we can march into the 21st Century. The outcome will turn on whether we get our political arithmetic in order in the next five years.

I just make a point: Political arithmetic is Hamilton's term.

This may sound histrionic. We think for a number of reasons it is not. As for slouching, we think the possibility that we will misread the "twin deficits"—

The deficit in the Federal Government and the deficit in investment—

\*\*\* see them as signs of long term imminent decline.

That pessimism we now see around here. And, alternatively, if we did just do that, what an inspiration to the Nation.

So we said—and I know the budget chairman would want to hear this:

After a decade of prolonged and stultifying debate the budget remains unbalanced. And it is likely to remain unbalanced unless and until there is seen to be something larger at stake than merely the performance of duty. Dull duty: virtue's residue, reason's remnant. We need something more; something to stir the blood. Something touched with civic courage and national achievement.

A budget surplus.

If only we had been listened to.

Then, this is the last.

Impossible, you say?

Fair enough. In which case we have some reflections of a different order.

This is speaking for the Democratic Members.

Let no one suppose that a Democratic Congress will much longer allow a payroll tax to be used to service a \$2 to \$3 trillion debt owned in vastly disproportionate amounts by wealthy individuals and institutions. It already requires nearly one-half the revenues of the income tax to pay the interest. This surely is the largest transfer of wealth from



labor to capital in the history of our "political arithmetic." But at least this is a graduated tax. By 1992—

Here we are, this year, 1992—the trust fund reserves will have reached 100 percent of annual outlays—

That is what we said in 1989; 3 years ago, that they will have reached 100 percent by 1992.

Is there anyone on the Senate floor who would say other than that; that they have reached exactly what we said, 100 percent? This was not a clumsy piece of work. We put our hearts into this thing. And we were right on target.

By 1992 the trust fund reserves will have reached 100 percent of annual outlays; a considerable reserve. By 1994 the proportion reached 150 percent.

That may be a little off because of this prolonged depression.

If, in the next five years, no arrangements are made to save the future incomes to the funds, Congress—you may depend on it—will return to a "pay-as-you-go" financing.

That is how wrong we were. We were right about the surplus. But how wrong we were about that. We went on to say:

That is not a threat. It is a political reality and, indeed, an ethical imperative. The nation struggled for a generation to ratify the XVIth Amendment to the Constitution.

Providing for a graduated income tax, I say in parenthesis—

The nation struggled for a generation to ratify the XVIth Amendment to the Constitution. We are not about to see it effectively repealed by a reform in the financing of Social Security.

This revenue stream is now in place. If it is saved, it will stay in place. There would be no difficulty devising a budgetary arrangement that would demonstrate to the American public that indeed it was being saved. Otherwise, we will lose it. What then? For openers the \$200 billion deficit instantly reappears. Debt service continues to mount, and soon the \$200 billion benchmark is left behind. Then, as seems inevitable eventually, a recession of some magnitude occurs.

Listen to this sir; March 1989:

Then, as seems inevitable eventually, a recession of some magnitude occurs. The deficit moves past the \$300 billion mark. Our political arithmetic shifts over to algebra. The debt compounds in geometric proportions. No one any longer talks of budgetary balance.

And there you are. Did I not say to you, weeks ago the director of the Office of Management and Budget was before the Finance Committee saying yes, indeed, in a very few years there is a possibility that the debt will begin to compound in geometric proportions. He did it, just as we said he would.

The recession came, just as we said it would. The \$200 billion deficit became a \$300 billion deficit. It is now a \$400 billion deficit. Everything Bob Myers said in 1988 came true. Gentlemen, he said: Go back to pay-as-you-go. You will not save the money.

That is the legacy. That is quite a legacy. Compared to the generation that gave us Social Security, the gen-

eration that gave up on it will not look very good in the history books.

Mr. President, I ask unanimous consent that the final chapter of this report, the minority report of the National Economic Commission, be printed in the RECORD at this point: "All Flags Flying!"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ALL FLAGS FLYING

To say again, we can slouch into the 21st Century, or we can march into the 21st Century. The outcome will turn on whether we get our political arithmetic in order in the next five years.

This may sound histrionic. We think for a number of reasons it is not. As for slouching, we think the possibility that we will misread the "twin deficits"—see them as signs of long-term, imminent decline—is very real indeed. Earlier we put it that the facts can be made to fit. Let us briefly expand on this point.

On July 15, 1979, Jimmy Carter delivered his celebrated "malaise" speech. Actually, his speech was entitled "Energy and National Goals," and his primary focus was on the need for energy independence. But days later—on the 31st—at a town meeting at Bardonia, Kentucky, President Carter referred to his address on the problems of energy and "malaise."

Before the address he had spent 10 days at Camp David speaking with a diverse group of Americans. In his statement he seemed to see the Nation's inability to move swiftly towards energy independence as characteristic of a more fundamental, deep-seated problem:

"It's clear that the true problems of our Nation are much deeper—deeper than gasoline lines or energy shortages, deeper even than inflation or recession \*\*\*

"The threat is nearly invisible in ordinary ways. It is a crisis of confidence. It is a crisis that strikes at the very heart and soul and spirit of our national will. We can see this crisis in the growing doubt about the meaning of our lives and in the loss of unity of purpose for our Nation \*\*\*

"We've always had a faith that the days of our children would be better than our own.

"Our people are losing that faith \*\*\*

"The symptoms of this crisis of the American spirit are all around us. For the first time in the history of our country a majority of our people believe that the next 5 years will be worse than the past 5 years. Two-thirds of our people do not even vote. The productivity of American workers is actually dropping and the willingness of Americans to save for the future has fallen below that of all other people in the Western world."

The address was not well received. Leaders are supposed to buck up the nation, not to say they're worried about it. Bully pulpit. Nothing to fear but fear itself. New Frontier. Morning in America. Well, Abraham Lincoln didn't always talk that way, and it is no discredit to Jimmy Carter that he was concerned.

Looking back, even from a comparatively short distance, we can better see what Mr. Carter was getting at. Few realized it then, but by 1979 the United States was in the sixth year of what economists Frank Levy and Richard C. Michel have called "The Quiet Depression." Many quiet crises had begun to interact. We have touched on the long-term decline in productivity with its downward pressure on earnings. Simulta-

neously, the baby boomers began to enter the labor market and found that fun and games were sort of, well, over. There were an awful lot of "boomers". The unprecedented size of this age cohort had given the impression of unprecedented power and influence during its adolescence and early adulthood, when it stormed or frolicked through various institutions of the social order. Now it found itself in a notably unsentimental, much less indulgent institution, namely the labor market. In a word, they were a glut, clashing now with one another, albeit the quiet conflict of persons lowering the price of their services.

But this was only the half of it. The baby boomers, born to difficulty, now ran into bad luck. They did not move into a healthy economy but into one that was floundering. The OPEC oil price increases of 1973-74 and 1979-80 lowered real wages by 5 percent. In addition, for reasons that are not yet fully understood the growth in productivity slowed to a crawl after 1973—and so did increases in real wages. Attempts to raise wages led to inflation. Median family income stopped growing after 1973 and actually dropped below the record reached that year. As noted earlier, only in 1987 did median family income finally return to the 1973 level. We are aware of some of the internal difficulties of this particular measure, median family income, not least being that in response to the slowing of incomes families were slow to form and slow to grow. Even so, it is our best overall indicator.

Nothing like the 1973-87 experience had ever happened before in American history. Fourteen years in which family income remained below the previous record. In the aftermath of World War II the record would be surpassed routinely every two or three years. Clearly, this stagnation was a source of anxiety—malaise, if you like. Levy and Michel use a stronger term: Fear.

"It was this fear—baby boomers' perceptions that they would never live as well as their parents—that lay behind the sense of a 'vanishing middle class.'"

It may well be that the public tolerance of the borrowing and spending orgy of the 1980s was in some part due to the pent up fear among Americans then entering their middle years that things were never going to be as good for them as for their parents. Was it not just as well to "loosen up?"

Certainly, we see something of this in the writings, quite prominent of late, of the "deficits-don't-matter" school of some economists and assorted social activists. There is a different order of fear, but not less evident. The fear of the latter group is that liberalism is a fading political force, and that the most it can hope for is that in years ahead conservative administrations will at least spend as liberals are said, by conservatives, to spend. Even if conservative priorities are different, this reasoning goes, something slops over into the social trough. If, on average, the federal government paid out \$600,000 to every farm in the United States during the four year period of fiscal years 1986-89, well, some deserving farmers must have got something!

This reasoning does not impress us. American liberalism is not about spending, and never has been. It is about foresight, and it is about responsibility.

The plain fact is that America is showing much foresight these days, hardly one of which goes by without a new reminder of this fact. Thus in January 1989 the Educational Testing Service reported on "An International Assessment of Mathematics

and Science." A huge random sample of 13 year-olds was taken in five countries and four Canadian provinces. The United States finished last. In the main, Koreans seem to be the top group, but our neighbors in British Columbia perform formidably.

Experts in the field of education tell us that the battle for competence in science is won or lost in grades Kindergarten-to-8, which is to say by age 14. As these things will do, decline comes creeping slow, showing up years after it would be too late to catch up. In 1985, more than 19 percent of first degrees awarded in Japanese universities were in engineering compared with less than 8 percent in American universities. The result is about equal numbers of graduates in nations of hugely disparate population size. Further, in 1985, a full 55 percent of U.S. doctoral degrees in engineering were awarded to foreign nationals, many or most of whom return home.

We make it up with lawyers, graduating some 35,000 a year. The best the Japanese seem able to manage is 500. Rather, all the Japanese will allow is 500, that being the fixed enrollment of the single, state-run law school.

But this is a familiar litany. It all comes down to one fact. The United States is not saving, not investing. It would be comforting to know what happened to savings, to productivity, to incomes, but we do not—any more than those living in the middle of the Great Depression understood the causes of the calamity.

On the other hand, there are some propositions in this area that may be stated with a high degree of confidence. The first is that the debate over deficit reduction has persisted past the point of any profitable insight or constructive consequence. Wildavsky and White have said all there is to say:

"Whatever one thinks of the Reagan era, one thing is clear: the debate and politics of the deficit have been among the most stultifying and frustrating experiences in our political history."

(We note in passing that the NEC, which was created first and foremost to address the issue of the budget deficit never once took up the matter in a formal discussion among the Commissioners.)

We do know one other thing; we are certain of one other thing. This is that there already exists an immense revenue stream that will flow into the federal fisc for the next thirty years, which if properly used, which is to say saved, would raise our savings rate significantly, and thereby, at least presumably, perk up all the indices that follow from savings. We refer of course to the accumulations of surpluses in the trust funds of the Social Security retirement and disability system.

The reserves of these funds are already rising at \$1 billion per week. Over the next three decades these trust funds are expected to accumulate surpluses of something over \$3 trillion, excluding interest. Will we save it so that it will be available for productive investment? That is the issue.

This translates directly into another question. Is the United States prepared to upend its political arithmetic and begin running a budget surplus, that surplus being equal to the surplus in the Social Security trust funds?

This may come as a surprise to some. A surplus? The United States government never runs surpluses. Not so. It is true enough that the most recent surplus was in fiscal year 1969, but the United States budget

has in fact been in surplus most of the time during the nation's two centuries. That is to say, for 108 years out of 200. The pattern is quite clear. During wartime government borrowed more than it raised in taxes. The Revolutionary War set this more or less inevitable pattern. Thereafter we paid back what we had borrowed by raising more in taxes than we spent. On occasion recessions, depression, or as the 19th Century called them "panics," made deficits inevitable, and until most recently were followed by the same response. The debt was reduced.

This, then, is our proposal. We must act as if we have been through a particular kind of emergency that led to quite abnormal budgeting practices. It was not a war; it was not an economic downturn after 1982. But it was abnormal. The judgment that it was a deliberately created emergency may be accepted or rejected, but surely the political arithmetic is indisputable. The national debt tripled in eight years. That is not quite the rate of the Civil War; about the rate of World War I; less than the rate of World War II.

Many have labored to provide a graphic image of just how stupendous the borrowing of the 1980s has been. We offer the following, which should settle the matter. In the four years of World War II the national debt grew by \$168 billion. In current dollars this would come to about \$1.4 trillion. In the eight years of Reagan budgets we borrowed \$1.2 trillion in current dollars. In the 1980s the federal government borrowed (in constant dollars) almost as much it did during World War II. In a time of peace.

In may be noted that the economic planners of World War II were much influenced by and in part made up of our old friends from the TNEC. They had firm ideas about economic self discipline. Keynesian economics had made its way to our shores. It was in World War II that our policies were first influenced by Keynesian thought; the Depression was already past. In circumstances of great demand for consumption by the federal government—the costs of world conflict and the price of liberty for most of the world—Keynesian analysis called for the reduction of consumption in the private sector. It may come as a surprise to some, but price indices actually increased less during the World II years than they did during the first four years of the Reagan administration. They also remained essentially stable after a brief initial run-up during the Korean War years, when the war was financed almost entirely by taxes.

Almost a century ago, speaking at the unveiling of a monument to a Civil War regiment, William James spoke of the need in time of peace of a moral equivalent of war: civic courage as he put it. That trumpet summons us today as never perhaps in our long and proud history.

The elemental fact is that the United States economy has reached nearly full utilization of its existing means of production, distribution, and exchange. We are near to full employment; plant capacity is equally fully engaged. We do not wish to denigrate either achievement, but we would emphasize that they are limited achievements. Near full employment is in part a consequence of high government spending. It is also in part a matter of demographics. The baby boom was followed by a baby bust. New entries into the labor force are declining. Thus in 1990 there will be 44 million Americans in the age group 25 to 34, which is to say persons already in the work force, or, if not, intentionally so. By contrast, there will be only 24 million persons age 18 to 24, the age of new

entries. In some measure, the current high levels of employment reflect low levels of investment. It is not an exaggeration to state that Japanese robots have taken over tasks that are still assigned to American workers. This leads to the observation that while it is a good thing, no doubt, to have reached the point of full plant utilization, this is far too much the utilization of an aging and in some sectors shrunken industrial structure, held back by lack of investment.

What is more, U.S. consumption as a percentage of Gross Domestic Product (GDP) reached 83.8 percent in 1986, the highest level since 1950. It was also the highest level of any OECD nation, only Great Britain came close. For the period 1982 to 1986, U.S. consumption averaged 83% of GDP. The average for the previous 10 years was under 80%.

These elemental facts of economic life have led persons in positions of responsibility who testified before the Commission to state that the U.S. economy cannot grow at a rate of more than about 2.5 percent without an unacceptable risk of increased inflation. Note that in the years immediately ahead, inflation, or the threat of inflation, will take on a wholly different aspect than at any time in the past. Inflation in the United States would be a form of repudiation of foreign debt. In that the debt is denominated in dollars we have that power. By contrast, third world countries do not. Their debt is denominated in our currency. As the spending boom of the 1980s crested, David Calleo commented:

"To create today's fiscal climate of colossal, wanton and unproductive indebtedness is to endow the American political economy with an almost irresistible propensity for inflation."

It is an observation to be kept in mind. Clearly, we need to induce a much higher rate of national savings to provide for greater investment in our plant and equipment and in our workforce. The time is at hand for the public sector to act in the interests of the private sector. That is to say, it is time for the public sector to support the long-term interests of the nation, not the orgiastic indulgence of what Jerry Goodman ("Adam Smith") has called The Roaring '80s.

The NEC heard repeated testimony to this effect:

"Mr. VOLCKER: The first point is that we have had a long and very gratifying economic expansion, but I think we have to recognize that's been driven primarily by private consumption and by public expenditure. Private consumption is up about three percent relative to GNP. It's at the highest level relative to GNP that I could find in the history books except in the immediate post-war period when we had all those pent-up demands."

"Government expenditures are relatively high compared to the GNP. They've been down a little bit in the last couple of years, but they're two to three percent higher than they were in the late '70s."

"Now, the other side of that coin is that despite the fact we've had a long period of expansion, net private investments is rather low; it is restrained. We are not building up what we need for the future."

"After six years of expansion, we have pretty much used up our excess capacity. That's true, I think, in terms of labor. There is some doubt as to where full employment is, but we're certainly pretty close to it, full employment in terms of how much you can expand without strong inflationary forces."

"Certainly, we do not have excess capacity anymore, by and large, in our most competi-



tive international industries. And already, as you know, the inflation rate is rising to not very far below the five-percent level.

"We are clearly spending more than we produce. I think since we are near capacity, near full employment, we're spending more than we can produce. That is reflected in those big external deficits. We are supporting that consumption binge by importing a great deal from abroad. We have to borrow to cover that.

"We're absorbing a large part of the savings generated abroad, but we have to borrow abroad to maintain even a restricted level of investment so long as we are running a big internal budgetary deficit at the same time.

"The crucial issue that I think you face, the country faces, is how long can we or should we depend upon a big inflow of savings from abroad to maintain a very high level of consumption in the United States?

"And the point I would make to you is I don't know how long that can go on, but it can't go on forever, and the longer it goes on, the more debilitating it is and all the time there is a risk of a real financial disturbance that will bring to an end the period of economic expansion through a combination of depreciating currency, high interest rates, strains on the dollar both internally and externally.

"It would bring about the kind of recession that would be most difficult to handle because it would be easily propagated abroad when it is combined with a weak dollar and high interest rates.

You are facing a constraint that economic growth must slow. That is the implication of having used up excess capacity. Productivity has only been rising a little more than one percent a year on a trend basis. I see no reason why you can sit there or any of us can sit here and assume that is spontaneously going to increase.

"We know about what the labor force will increase. I think that gives us a potential, maybe a little on the generous side, or growing about two-and-a-half percent a year.

"Looked at in that light, what we have to do is increase our exports. We have to increase our investments to support the exports and to support growth, and to do that we're going to have to slow it to something like the growth in the rate of population. In effect, we've got to pay a little bit for that binge in consumption we've had for the last five or six years.

"The bottom line is I don't think you can do that in an orderly way without the risk of the kind of economic difficulties I described without changing budgetary policy. That is the way to attack directly the excess consumption \*\*\*

"Ms. RIVLIN: A healthy rate of economic growth over the next several decades is essential not only to maintain a rising standard of living, but to make possible effective American leadership in the world. Our ability to grow, in turn, depends heavily on increasing national saving and channeling that saving into productivity-improving investment. The federal deficit diverts domestic saving from productive investment and into the financing of government services. With low private savings and negative public saving, the United States has become dependent on the inflow of capital from the rest of the world to finance our domestic \*\*\*

"Mr. GREENSPAN: The United States deficits of recent years are threatening precisely because they have been occurring in the context of private saving that is low by both historical and international standards. Histori-

cally, net personal plus business saving in the United States in the 1980s is about three percentage points lower relative to GNP than its average in the preceding three decades. Internationally, government deficits have been quite common among the major industrial countries in the 1980s, but private saving rates in most of these countries have exceeded the deficits by very comfortable margins. In Japan, for example, less than 20 percent of its private savings has been absorbed by government deficits, even though the Japanese general government has been borrowing almost three percent of its gross domestic product in the 1980s. In contrast, over half of private U.S. savings in the 1980s has been absorbed by the combined deficits of the federal and state and local sectors.

"Under these circumstances, such large and persistent deficits are slowly but inexorably damaging the economy. The damage occurs because deficits tend to pull resources away from net private investment. And a reduction in net investment has reduced the rate of growth of the nation's capital stock. This in turn has meant less capital per worker than would otherwise have been the case, and this will surely engender a shortfall in growth of the standard of living.

"Mr. BERGSTEN: In the campaign and elsewhere, there's been a lot of talk about how real wages in this country have been flat for some time, annual earnings have not risen very rapidly \*\*\* But what is also striking is that our private consumption rate, our per capita consumption rate has really been roaring ahead for the last five or six years, three to four percent a year, which is a historically very high rate. How did that happen? Well, entrants to the labor force, et cetera. But also a further sharp decline in the savings rate.

"So when the question comes up, \*\*\* wouldn't tax increases hurt the economy, I would simply submit my reading of the early '80s is the opposite. We were told that the tax cuts would increase savings, increase investment, therefore improve the structure of the economy. They didn't. Savings have gone down sharply in the private sector. Private investment consumption has roared ahead and been the engine of growth, and we all know it's not sustainable.

"Mr. BROCK: This nation is living beyond its means, borrowing long-term in order to satisfy short-term demands for immediate consumption, and imposing as a consequence huge new obligations each week, each month, each year on our own children. Like some confused Robin Hood, we rob from those who have no voice or vote to satisfy our every whim."

From every point of the political spectrum what we heard was a call for a federal budget surplus. The case was made with great force in an article in the Winter 1988-89 issue of *The Brookings Review* entitled: "Getting Rid of the Budget Deficit: Why We Should and How We Can," by Thomas E. Mann and Charles L. Schultze.

"Ideally, by the mid-1990s the federal budget ought to produce not merely balance but an overall surplus in the neighborhood of \$100 billion a year, or about 1½ percent of GNP. If that goal could be achieved, while the private saving rate remained at its level of early 1980 (6½ percent), overall national saving and capital accumulation would be approximately restored to the healthier rates that prevailed in the three decades before 1980—eight percent of the net national product."

Dr. Mann is director of the Brookings' Governmental Studies program and former

Executive Director of the American Political Science Association. Dr. Schultze is Director of the Brookings Economic Studies program and former Director of the Bureau of the Budget (now OMB) under President Johnson, and former Chairman, under President Carter of the Council of Economic Advisers. And how would they accomplish their goal of creating a surplus? By saving an amount equivalent to the surplus now being generated by the Social Security trust funds.

Alan Greenspan, Chairman of the Federal Reserve Board, testified before the Commission in almost identical terms:

"Mr. GREENSPAN: \*\*\* [I]f one segregated the existing accounts between the Social Security trust funds on the one hand and all other, than obviously to the extent that the Social Security surplus emerged and we kept the remainder in balance, then obviously we generate a unified budget surplus which I have argued in other form is really a very important goal to achieve, if we can do so \*\*\*"

Asked:

"Senator MOYNIHAN: If that were saved and translated into private investment, it would produce an economy that could throw off the revenues when the cash surplus ceased. It would bring down interest rates, would it not?"

He replied:

"Mr. GREENSPAN: It would."

To this end we can do no better than to cite the conclusions of the magisterial report of the General Accounting Office: Social Security, The Trust Fund Reserve Accumulation, the Economy, and the Federal Budget of January 1989:

"In the short run, we must bring down the total deficit. We cannot afford the depression of future economic growth that will result if we continue to channel scarce savings into the financing of large budget deficits. In the longer term, however, lowering the total deficit is not enough. In this context, the social security trust fund surpluses present a special opportunity to increase national saving. This should lead to higher productivity and more rapid economic growth. With faster growth, retirement benefits can be maintained for the baby-boom generation while also maintaining a higher standard of living for future workers.

"In principle, a higher rate of national saving could come in several forms. The only one that is directly subject to government control, however, is the budget. Just as budget deficits are a drain on saving, a budget surplus adds to national saving. As federal debt is repaid, these funds become available for private investment. In this way, the pattern of the 1980s (high interest rates, low investment, capital inflow, and the trade deficit) can be reversed.

"Coincidentally, we have an available source of such a budget surplus—the accumulating reserves in the social security surpluses to serve the purpose of adding to national saving, however, they must be accompanied by approximate balance in the rest of the budget, a far cry from the present situation. Without such a balance elsewhere in the budget, the trust fund surpluses will continue only to finance the other operations of government. This will reduce somewhat the current drain on national saving but not eliminate it, much less represent a net addition to saving.

"Of course, the economic effect of generating a total budget surplus does not depend on whether it comes from a surplus in social security or some other part of the budget. But, we believe the public will be more likely to

understand and accept a long-term economic growth policy centered on overall budget surplus if it is tied to the accumulation of social security reserves. Furthermore, there is a logic in having the current working generations save more so that when it retires, the burden of its retirement benefits will weigh less heavily on the working generation of those future years. This would be particularly advantageous because, in the next century, the ratio of retirees to workers will rise to unprecedented levels.

"Depending on the behavior of the business cycle, the most desirable budget posture of the government from one year to the next may involve either greater or lesser surpluses than are produced by the currently scheduled trust fund accumulations. Over the longer term, other factors may warrant re-examining what level of budget surpluses would be appropriate. For example, shifts in the patterns of personal and business saving could imply the need for total budget surpluses that are either larger or smaller than those projected for the social security trust fund. Nevertheless, we believe that budget surpluses similar in size of the trust fund surpluses now scheduled to accumulate constitute a reasonable and appropriate place to begin a new direction in fiscal policy. (Our emphasis.)"

After a decade of prolonged and stultifying debate the budget remains unbalanced. And it is likely to remain unbalanced unless and until there is seen to be something larger at stake than merely the performance of duty. Dull duty: virtue's residue, reason's remnant. We need something more; something to stir the blood. Something touched with civic courage and national achievement.

A budget surplus.

Impossible, you say?

Fair enough. In which case we have some reflections of a different order.

Let no one suppose that a Democratic Congress will much longer allow a payroll tax to be used to service a \$2 to \$3 trillion debt owed in vastly disproportionate amounts by wealthy individuals and institutions. It already requires nearly one-half the revenues of the income tax to pay the interest. This surely is the largest transfer of wealth from labor to capital in the history of our "political arithmetic." But at least this is a graduated tax. By 1992 the trust fund reserves will have reached 100 percent of annual outlays; a considerable reserve. By 1994 the proportion reached 150 percent. If, in the next five years, no arrangements are made to save the future incomes to the funds, Congress—you may depend on it—will return to a "pay-as-you-go" financing.

That is not a threat. It is a political reality and, indeed, an ethical imperative. The nation struggled for a generation to ratify the XVth Amendment to the Constitution. We are not about to see it effectively repealed by a reform in the financing of Social Security.

This revenue stream is now in place. If it is saved, it will stay in place. There would be no difficulty devising a budgetary arrangement that would demonstrate to the American public that indeed it was being saved. Otherwise, we will lose it. What then? For openers the \$200 billion deficit instantly reappears. Debt service continues to mount, and soon the \$200 billion benchmark is left behind. Then, as seems inevitable eventually, a recession of some magnitude occurs. The deficit moves past the \$300 billion mark. Our political arithmetic shifts over to alge-

bra. The debt compounds in geometric proportions. No one any longer talks of budgetary balance.

It need not happen, and should not happen.

In Part I of our report we expressed our concern in the strongest possible way that we will not grow our way out of our present deficit position. In Part II we argued with all the force at our command that the real challenge is not the self-evident need to balance the budget, but rather to make a fundamental transition from deficit to surplus.

Mr. MOYNIHAN. Mr. President, great thanks for the courtesy of the manager of the bill, the distinguished Senator from Tennessee, and my colleague and dear friend, the chairman of the Finance Committee. They have been patient with me.

I have spoken longer than my habit but I wanted to do this. Having said it, I thank all and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, if the manager of the legislation, the Senator from Tennessee, will yield?

Mr. SASSER. I will yield the Senator from Texas time off the bill, although the Senator from Texas, I think, has ample time under his control.

Mr. BENTSEN. I thank my colleague.

Mr. BENTSEN. Mr. President, I do not think there is any better authority on Social Security than my distinguished friend from New York, who has lived with the concerns and the problems that have been attendant to it for a long time. He has brought about some innovative ideas to help Social Security. Due to his efforts, people who have been paying in for years better understand its benefits, understand what they have contributed.

We have a bit of a basic difference of opinion, however, on the one point about pay as you go.

We all deal from our own experiences. That helps form our judgments. In the private sector, I headed an insurance company, and I recall talking to the staff about a company out in California, how it was doing such an incredible job in selling annuities and how could it do that, how was its sales force beating ours, and in that regard, how could they sell annuities at such a cheap price and promise such benefits? Once we studied it, we found out why, and that was because they had some actuaries who made some highly optimistic estimates as to what they were going to be able to earn on the securities, extravagant estimates. This was why they did not keep near as much in the reserves as one would normally need. They went on building an enormous company, selling annuities at an incredible rate. But then those annuities began to come due, and then the insurance regulators went in and saw they were not earning what they had estimated on their securities. That started the demise of that company, and it went broke. The people who had brought those annuities found they

were not properly funded, and they did not have the funds that they thought they were going to have in retirement.

That is what guides me in this. As my friend was invoking the name of our admired and esteemed friend John Heinz, he described exactly what John said about embezzlement in the funds, and that was his feeling. But, on the other hand, he argued to set aside the Social Security trust funds, and he also said that if people want to reduce those reserves, then let us make them climb a bit of a hill to do it, and let us fix that glitch in the firewall. Let us take care of this so that we put Social Security on the same basis as the rest of the trust funds, where it takes a 60-vote point of order. Fix the glitch, Senator Heinz, said, in response to our colleague, Senator DOMENICI, from New Mexico.

So I say to my friend, I listen to the \$1.5 billion a week or \$1 billion or \$2 billion. They are incredible numbers. He is right. But you are talking about 41 million people now dependent on Social Security retirement and disability benefits, and you have to, in my opinion, build the kind of surplus that is going to be there and ready to fund benefits when these baby boomers reach retirement. We are in trouble if we cut back.

Now in this latest report of the Trustees on the disability fund, the actuaries tell us we are going to be in trouble and exhaust the fund's reserves—in 5 years is pessimistic, but some say in 3 years.

I think it would not be prudent, indeed, for us to start cutting back on the reserves, particularly at a time of economic hardship, a recession that has gone substantially longer than the administration thought it would or that many economists thought it would. It is difficult enough to predict the future and decide what the economy is going to do. If it further deteriorates, we may have a further problem insofar as assuring adequate reserves for the future.

So I hope my friends in the Senate today will vote for this amendment and say, like John Heinz: If you are going to take a chance and reduce those reserves, if you are going to increase benefits without paying for them, without putting an offset in, if you think you have a good enough case to sell that point, maybe you ought to climb a bit of a hill to do it and have to meet the discipline of 60 votes as other entitlement trust funds have to do. Put us on the same basis in that regard.

When we had AARP in testifying before the committee, they thought trust fund reserves ought to be 200 percent, that you ought to have 2 years built into the reserves. We had the AFL-CIO and NCSC saying 125 to 150 percent. We had the General Accounting Office saying that 100 to 150 percent would be adequate.



No, I do not know for a certainty what the exact amount should be. But if I was to err when I was talking about the retirement of people who have put their contributions into Social Security year after year through their productive lives, I would err on the side of prudence, on having a cushion to see that those savings do not turn to dust.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

Mr. SASSER. Mr. President, I am prepared to yield all time back if the distinguished Senator from Texas is prepared to move forward.

Mr. BENTSEN. I am prepared to yield all time back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not intend to speak very long, but I yield myself whatever time I use off of my time on the resolution.

I might ask Senator BENTSEN, did he introduce in the RECORD the John Heinz letter?

Mr. BENTSEN. No; I did not.

Mr. DOMENICI. Mr. President, I am sorry that Senator MOYNIHAN, the distinguished Senator from New York, is not here. He alluded to John Heinz, deceased John Heinz, and how he wanted to protect the Social Security trust fund. I am not sure what the Senator from New York said about Senator Heinz's position with reference to this firewall that we are trying to reestablish in the Bentsen amendment. It was there sometime in the past. It was discarded in the meetings that we had for the economic summit. The chairman of the Finance Committee is trying to put it back for the period of time of this budget resolution and perhaps for the remainder of this year, as I read it.

Senator Heinz was in all of the meetings that I called. I think I had the first meetings to talk about a need for a firewall because it has always bothered the Senator from New Mexico that, on the one hand, rather than go to the pay as you go, we were all saying let us keep the surplus, and aside and apart from the fact that it is invested in Treasury bills, it is counted as a surplus for purposes of looking at the accounting system, and it could have been the subject matter of bills that would have spent it, perhaps, for related programs but not necessarily for Social Security. We started early meetings saying that should not be easy to do. So, hence, the word "firewall" and the 60 votes.

Senator Heinz, on March 19, 1991, wrote to the Senator from New Mexico and he said:

DEAR PETE: I'm ready. Let's fix the glitch in the budget process reform legislation and protect Social Security and get it done quick. Let me know how you want to pro-

ceed and/or have Bill Hoaglund call Jeff Lewis of my staff.

Sincerely,

JOHN HEINZ.

So, obviously, on this issue Senator Heinz wanted to make it very difficult, once he and others had succeeded in taking it off budget, wanted to make sure as it grew in surplus a new program would not be introduced that would use it and spend it for an actual program as compared with buying Treasury bills, which is what we are doing now.

Mr. President, it seems to me that Senator BENTSEN and Senator GRAMM have hit the nail on the head. We never should have taken that 60-vote firewall out. It got out, as I understand it, in some ways that I did not understand. I was not sure that was supposed to happen as part of the agreement, but it did, and we cannot put it back permanently because we have to pass a law to do that. But clearly, as I understand it, we can reimpose the 60-vote firewall for the remainder of this year on the existing budget resolution and on next year's budget resolution, which is the subject matter of debate.

We will have to get the House to agree to it in conference, obviously, but if it passes I will do my best to see that it is adopted. How much time do I have on the amendment, Mr. President?

The PRESIDING OFFICER. There are 55½ minutes remaining on the amendment.

Mr. BRADLEY. Mr. President, I rise in strong support of the amendment offered by the Senator from Texas to close the loophole in the budget as it relates to Social Security.

Under current law, any amendment offered on any bill that reduces the solvency of the Social Security System is subject to a 60-vote point of order. The only exception is an amendment to the budget resolution. I believe that this loophole should be closed.

As budget pressures mount, there will be growing pressure to raid the reserves to pay for priority programs. Some of these efforts such as Senator MOYNIHAN's Social Security tax cut, may have some merit; some of these efforts, such as the notch, have little merit.

In any case, to ensure that Social Security is protected, in the long term, we should take steps to ensure that efforts to tamper with the reserves cannot be taken without the support of a sizable majority in the Senate.

Mr. DOMENICI. On my side there is 55? I am ready to yield it back.

Mr. BENTSEN. I know of no one else on my side ready to speak.

Mr. DOMENICI. I yield back my time.

Mr. BENTSEN. I yield back my time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 68 Leg.]

#### YEAS—94

Adams	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Bradley	Harkin	Pell
Breaux	Hatch	Pressler
Brown	Hatfield	Reid
Bryan	Heflin	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Rudman
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Craig	Kennedy	Seymour
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wellstone
Ford	McConnell	Wofford
Fowler	Metzenbaum	
Garn	Mikulski	

#### NAYS—3

Akaka	Bingaman	Conrad
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#### NOT VOTING—3

Bumpers	Pryor	Wirth
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So the amendment (No. 1761) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that all but 25 hours of debate on the resolution be yielded back, and that of the 25 hours remaining, they be equally divided between the majority and the minority leaders, or their designees.

I further ask unanimous consent that on returning to the resolution tomorrow morning, the Senator from Missouri [Mr. DANFORTH] be recognized to offer an amendment; that upon the disposition of the Danforth amendment,

Senator EXON, the distinguished Senator from Nebraska, be recognized to offer an amendment; and following the disposition of the Exon amendment, that a Republican Senator be recognized to offer an amendment. I am advised that Senator BROWN, the distinguished Senator from Colorado, will be recognized following the disposition of the Exon amendment; and following the disposition of the Brown amendment, the distinguished Senator from New Jersey [Mr. BRADLEY] will be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. President, and I shall not object. I mention that we have not sought time agreements, because under the statute, there are 2 hours on an amendment, and an hour on an amendment to the amendment. But we are hopeful that that time will not be used, and that they will be taken in terms of their priorities tomorrow. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the agreement is as follows:

*Ordered*, That when the Senate resumes consideration of S. Con. Res. 106, the concurrent resolution on the budget for fiscal year 1993, there be remaining 25 hours for debate and that the Senator from Missouri (Mr. Danforth) be recognized to offer an amendment.

*Ordered further*, That upon the disposition of the Danforth Amendment, the Senator from Nebraska (Mr. Exon) be recognized to offer an amendment.

*Ordered further*, That upon the disposition of the Exon amendment, a Republican Senator (most likely the Senator from Colorado (Mr. Brown) be recognized to offer an amendment.

*Ordered further*, That upon the disposition of the Brown amendment, the Senator from New Jersey (Mr. Bradley) be recognized to offer an amendment.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SASSER. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators be permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNITED STATES FINALLY RECOGNIZES INDEPENDENT SLOVENIA, CROATIA, AND BOSNIA-HERCEGOVINA

Mr. PELL. Mr. President, I welcome the administration's decision, at long last, to recognize the independence of Slovenia, Croatia, and Bosnia-Herzegovina. In taking this action, the United States joins more than 50 other countries who, beginning in January, have recognized Slovenia and Croatia. The administration's announcement also brings the United States in line with the European Community, which yesterday recognized the independence of Bosnia-Herzegovina. As one who has called for the administration to retol its policy toward the Balkan region, I am pleased that the United States has finally acknowledged that Yugoslavia no longer exists and that it is time to move on. I am hopeful that the outstanding issues between Greece and Macedonia can be resolved soon so that the way to recognition will be opened.

I look forward to hearing further details about how the administration plans to proceed with the establishment of full diplomatic relations with the three countries, and I hope that this will be done swiftly. Moreover, as the administration formulates its plans for future United States relations with Serbia and Montenegro, I would hope that it will insist that these two Republics respect the independence and borders of the other newly independent countries as well as other CSCE principles, particularly those on minority rights. The administration must hold Serbia and Montenegro accountable to standards of international conduct that it applies to other countries.

I am also pleased to learn that the administration will restore the trade benefits to Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia that were suspended for all of the former Yugoslavia on December 6, 1991. These countries will also be available for U.S. assistance programs which had also been suspended. The newly independent countries need humanitarian relief due to the war that has ravaged the region. They also need our support to make further progress in democratization, market reform, and human rights.

As we welcome this good news, however, tensions and indeed bloodshed continue in the former Yugoslav Republics. Of course, recognition of these countries' independence is not an immediate cure for all of the many outstanding problems in the former Yugoslavia. I am hopeful, however, that U.S.

support for the independence and territorial integrity of these new countries will help ease the task of the U.N. peacekeepers who are currently being deployed to the region. I am also hopeful that these new developments may encourage progress at the EC-sponsored peace conference chaired by Lord Carrington. Now that the United States and the European community are on the same track, I believe that greater progress may be possible.

#### CONGRATULATIONS STEVE GACHUPIN

Mr. BINGAMAN. Mr. President, I rise today to recognize the accomplishments of an extraordinary man, Steve Gachupin. Mr. Gachupin, a native and resident of Jemez Pueblo, was recently awarded the Bob Rodale Golden Shoe Award for what Runner's World magazine praised as his "27 years of dedicated and inspiring coaching."

A legend in his own right, Mr. Gachupin first gained notoriety when he won the Pikes Peak marathon in 1966. He went on to set a new record—which remains unchallenged—for winning the same marathon an impressive 5 consecutive times. Rather than revel in his own success, Mr. Gachupin has used his talent to teach the young people of Jemez Pueblo. In his 27 years of coaching track and cross-country at Jemez Valley High School, Mr. Gachupin's team has earned 14 AA State cross-country championships and placed second four times.

As an avid runner, I admire Mr. Gachupin's discipline and victorious record. I also respect his commitment to his students and the people of Jemez Pueblo. When asked once what motivates him to succeed he replied, "To bring honor to my village."

Mr. President, I am sure all of my colleagues join me in congratulating Mr. Gachupin—a humble man of great achievement and integrity.

#### RECOGNITION OF BARRY L. HARRIS

Mr. FORD. Mr. President, I want to say a few words about an outstanding public servant who is currently serving as Administrator of the Federal Aviation Administration. Barry L. Harris came to Washington in 1989 to serve as the Deputy Administrator of the FAA. He brought with him considerable experience in general aviation, and a distinguished business background. I was a little concerned that Barry had not had extensive experience with Washington, or with the commercial aviation sector, but I supported his nomination and, of course, the Senate confirmed him.

He had not been on the job long when I had occasion to ask him to meet with me and another Senator about a difficult issue important to many people



in the aviation community. It was at that meeting that I first saw the qualities that distinguished Barry: An open mind, independent judgment, candid expression of views, yet sensitivity to the concerns of others.

Last fall when Admiral Busey moved to the Department of Transportation to become Deputy Secretary, Barry assumed the role of Acting Administrator of the FAA. A nominee for Administrator had been submitted to the committee, but ultimately the Senate was unable to confirm him. Barry continued to serve as Administrator. The job allowed him to display the range and extent of his considerable abilities. Everywhere I heard comments about how well he was running the agency. I saw evidence of decisive management, of commitment to the mission of the FAA. I also saw that he was not afraid to try changes, and did not shrink from identifying weaknesses in the agency. He won the respect of the aviation community, as well as the loyalty and affection of the people at the FAA.

Many including this Senator hoped that Barry would be nominated to the job of Administrator. There is not a doubt in my mind that he would have been an outstanding choice.

It is not my job to select candidates for jobs in the executive branch. It is the job of the Senate to consider and, if appropriate, confirm those nominees. I intend to proceed with the nomination process, but I did not want to let the moment pass without recognizing a man whom I have come to respect and value, and without thanking him for his able stewardship of one of the most important agencies in the Government.

#### DEATH OF FATHER JAMES HARVEY

Mr. MOYNIHAN. Mr. President, I rise to mourn the passing on March 30, 1992, of the Reverend James R. Harvey, priest and social worker. I met Father Harvey in 1985 when I made a spur-of-the-moment visit to my old parish during a trip through Queens. I found that it now housed an ambitious and successful job training program for young ex-offenders, headed by Father Harvey.

As a chaplain at the Queens House of Detention and at Rikers Island, Father Harvey knew of the need for such training, and he had begun finding jobs for these young men and women in florist shops and other businesses. He called the program "Flowers With Care."

To meet the other needs of his young apprentices, Father Harvey began to offer such services as substance abuse counseling and remedial education. As these programs grew, other young people who needed help began coming to him, runaways and homeless youths mostly. He did what he could to help them, meaning he worked tirelessly. He opened a 20-bed shelter for them,

and found ways to stretch his budget so he would not have to turn them away.

I expect Flowers With Care to continue without Father Harvey; it is needed too much to do otherwise. But it will not be the same without its founder and guiding light. Thousands of New York's young people should mourn his passing with us. For many he turned their lives around. For others he simply kept them alive.

Mr. President, I ask that the obituary from the New York Times be included in the RECORD.

#### THE REVEREND J.R. HARVEY DIES AT 47; HELPED FIND JOBS FOR EX-CONVICTS

(By Bruce Lambert)

The Reverend James R. Harvey, who founded a program that has given thousands of ex-convicts training and jobs in florist shops and other businesses, died on Monday at New York Hospital in Manhattan. He was 47 years old and lived in Queens.

He died of natural causes after a long illness, his family said.

Father Harvey was the president of Flowers With Care, which he founded 17 years ago to provide first-time offenders with work. The program started with florist shops, then included other businesses and longer-term training.

About 1,000 former inmates a year enroll in the program. Most become gainfully employed, and relatively few relapse into crime, officials of the program says. Depending on individual need, the assistance includes food, clothing, counseling, drug addiction therapy, on-the-job training, placement, remedial high school and even, college preparation.

#### PROGRAM IS BASED IN QUEENS

A favorite among Father Harvey's success stories involved a convicted bank embezzler who went on a florist-sales call, to a bank. Father Harvey got a bit edgy as the day wore on without any word from the apprentice salesman. But at the end of the afternoon, the bank president called in an order for 30,000 cactus plants to use as premiums.

The program, which includes more than 120 small businesses, is based in Astoria, Queens, and the program is affiliated with Catholic Charities of Brooklyn.

Father Harvey was born in Brooklyn. After graduating from St. Francis College and Immaculate Conception Seminary, he was ordained a Roman Catholic priest in 1971 and became a parish priest at St. Margaret's Church in Middle Village, Queens.

When he was assigned to be a chaplain at the city Corrections Department's Queens House of Detention in 1973 and later at Rikers Island, he saw the need for training and jobs to help turn unemployed young people away from crime. He started the program with a friend who was a florist.

For several years Father Harvey also taught criminal justice at St. John's University.

He is survived by his mother, Catherine Harvey of Brooklyn, and two sisters, Kathleen Scott of Brooklyn and Patricia Costello of Crofton, Md.

#### TRIBUTE TO JOSEPHINE TOMANCIK

Mr. LEVIN. Mr. President, very often we take time to recognize the big names of government service—the flashy politician, the statesman who

served many years, the bureaucrat who has risen to the top—but seldom do we recognize the real people who keep the wheels of government turning. I wish to take a moment to recognize such an individual today, Josephine Tomancik.

Originally employed by the then Department of Vocational Education and Rehabilitation at the age of 18, Jo moved on to what would become the Michigan Department of Transportation in 1950. Never satisfied with a particular level of attainment, she continued taking classes to improve her skills. She will leave the department as the Roadside Development Division's secretarial administrative assistant.

Asked to describe Jo Tomancik, her supervisor said she is "dedicated to her work" and "loyal to her fellow employees." Her years of service have allowed her to serve as an unofficial historian. In addition, she is involved in her church and community. She is an officer in the First Catholic Slovak Ladies Association and an active member of St. Mary's Cathedral in Lansing.

When a friend asked why Ms. Tomancik continued so long she explained, "I really like the job, and I like the work. I am doing this for the women of transportation. When you set your goal, stick with it. And always remember the goal." Mr. President, more of us should set worthy goals and meet them.

Josephine, "Jo" Tomancik will retire at the end of this month after 50 years of consecutive service with the State of Michigan. Many of Jo's friends will gather this weekend to celebrate the work and life of this outstanding citizen. I am pleased to add this recollection to the remembrances.

#### TRIBUTE TO JOSEPH W. SOCHA

Mr. SPECTER. Mr. President, on Saturday, April 11, 1992, Joseph W. Socha will be honored by the American Legion at a testimonial dinner. At this time, I would like to recognize this proud American for his accomplishments, his loyalty to his fellow Legionnaires and his dedication to this country's principles of democracy, freedom, and dedication to duty.

Upon graduation from high school in 1951, Joe enlisted in the U.S. Marine Corps and served in Korea. Following his discharge, he joined the Boleslaw Grochowski Post No. 396 where he served as the post's director, delegate and its youngest elected adjutant. He was later elected as post commander.

Joe also served on numerous county committees such as the advisory committee and the Scouting committee and still serves as Philadelphia County adjutant. In addition, he has successfully fulfilled his responsibilities as Secretary of the Philadelphia Convention Corp.

Among his many other positions of responsibilities, Joe has served the

fifth district of the American Legion with distinction as its sergeant-at-arms, parliamentarian, senior deputy commander, and commander.

His talents and professionalism have been recognized by the national organization of the American Legion with assignments on the committees for Americanism, national security, foreign relations, and distinguished guests.

Joe has served his own post with dedication and loyalty for 25 years. He is also a member of the Veterans of Foreign Wars and the Disabled American Veterans. Currently, he is serving as commander of the Eastern Judicial Section where his leadership skills and yeoman performance are widely recognized by the Department of Pennsylvania and the National Organization of the American Legion.

The American Legion and the State of Pennsylvania are proud of Joe Socha. Upon the occasion of the testimonial dinner in his honor, I take this opportunity to recognize him before the U.S. Senate.

#### IN RECOGNITION OF LOUISE ENDEL

Mr. DODD. Mr. President, I rise today to recognize Louise Endel for her lifetime commitment to the betterment of the New Haven community. For the past 40 years New Haven has had the opportunity to benefit from the achievements of a woman who has dedicated her life to community service.

Louise's extraordinary energy and versatility is a driving force behind a number of nonprofit organizations. She is an active participant in the St. Raphael's Foundation, the Urban League of Greater New Haven, and Dixwell Community House.

Her deep appreciation and love for the arts led her to spearhead a number of different projects designed to cultivate the talents of artists and actors. Her accomplishments include the Long Wharf Theater, the Creative Arts Workshop, the Nine Squares Neighborhood Youth Leagues, and the City Spirits Artists.

In the political arena, her vision and dynamic personality have deeply contributed to local, State, and national campaigns. She is well-known for her ability to utilize people's skills and maximize their potential.

Louise's hard work for the community has not gone unnoticed. She is the recipient of the New Haven Foundation Elm Award for outstanding citizenship and the Yale University City of New Haven Elm Ivy Award for improving town/gown relationships. She also received awards from the YWCA and the State assembly in Hartford for her services on behalf of women.

This year, the Connecticut chapter of the Habitat for Humanity Inter-

national will recognize Louise for her outstanding work on behalf of their organization. She was one of the founding participants of this organization that helps renovate and build homes for families of marginal financial means. I commend their efforts and am proud to see such a prestigious organization award a person who has done so much for the New Haven community.

Louise's distinguished career represents a model of effective leadership and exemplary community service. We can all learn a lesson in giving from her. She is living proof that a little hard work and a lot of love can still make a difference in this world. There is no doubt in my mind that New Haven and the entire State of Connecticut, for that matter, is a better place to live today. Thank you, Louise.

#### ON THE RETIREMENT OF KENT CONRAD, SENATOR FROM NORTH DAKOTA

Mr. HATFIELD. Mr. President, I would like to take this opportunity to comment on the surprise retirement of a good friend and distinguished colleague, Senator KENT CONRAD.

Both North Dakota and my State, Oregon, share several similarities, and it is through common interests that I have come to know Senator CONRAD and admire his work. As a representative of the most rural State in our Nation, the Senator's efforts to preserve the family farm and advance our Nation's agricultural interests are unrivaled.

His strong support for our children's education is another interest we share. His concern, especially in the areas of mathematics and science achievement, stands as a testament to his commitment for the future of our Nation.

Senator CONRAD and I also share common ground through our work on the Senate Energy and Natural Resources Committee. His thoughtful approach on numerous issues, particularly toward the development of a balanced national energy strategy, has been both admirable and refreshing. Senator CONRAD's fiscal restraint and progressive ideas regarding energy conservation and renewable energy are trademarks which will live on in the committee for years to come. Most regrettably, the battle on these and other issues must now be fought without one of our strongest players.

For many years Senator CONRAD's retirement comes as a tremendous disappointment: North Dakota will lose an excellent representative while Congress will lose a fine leader. He is a public servant in the truest sense, his actions constantly dictated by the needs of, and his promises to, his constituency. At the same time, however, I empathize with Senator CONRAD's frustration over Congress' seeming inability to grapple with the pressing is-

sues of our day. I sincerely hope, Mr. President, that we can take steps toward improving the environment which exists here, for we can ill afford to lose another colleague of Senator CONRAD's caliber.

#### MATINICUS RESCUE A MIX OF GRIT AND GOOD LUCK

Mr. COHEN. Mr. President, recently Ms. Elsbeth Russell, who lives on Matinicus Island in my home State of Maine, brought to my attention the harrowing tale of four island lobstermen, who became heroes one freezing, tempestuous night in January.

Ms. Russell's courageous neighbors, Vance Bunker, Rick Kohls, Paul Murray, and Clayton Philbrook, responded to the distress call of a tugboat sinking in the dark, choppy waters nearly 2 miles off Matinicus.

As the winds gusted to 40 miles per hour and the temperature dropped to 4 below zero, Bunker, Kohls and Murray set off into the foggy night on Bunker's boat to rescue the tugboat and its imperiled three-man crew. Philbrook stayed behind to man the VHF radio and stand by in case Bunker's boat ran into trouble.

The story that ensues rivals any found in fiction. Recognizing that the Coast Guard might not reach the tugboat in time, the men from Matinicus risked their lives to save three strangers, who surely would have perished in the icy Atlantic.

Mr. President, I wish to enter into the RECORD the full text of the Island News article describing the tugboat's rescue.

Vance Bunker, Rick Kohls, Paul Murray, and Clayton Philbrook represent true Maine grit and the courage of the American spirit in its finest hour. Mr. President, I hope that you and my colleagues will find this remarkable account of their daring rescue as fascinating and inspiring as I did and will join me in commending these four Mainers for their heroism.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### MATINICUS SEA RESCUE A MIX OF GRIT AND GOOD LUCK

(By Margot Brown McWilliams)

On Matinicus, the first warning came at 6 p.m. on January 16. Clayton Philbrook heard on the VHF radio that the tugboat *Harkness* had taken on about a foot and a half of water over its stern.

Philbrook, one of the handful of lobstermen who lives year-round on the island of Matinicus, knew a rough night lay ahead.

"It was blowing 40 (mph), and I had three or four below (zero) at the house, so I knew it was thick with vapor out on the water," said Philbrook. "The Rockland Coast Guard station was reporting winds at 10 miles an hour, but out here it was screeching."

Three island lobstermen would venture into the cold, wind and sea smoke that



night. Before it was over, they would help drag the crew of the *Harkness* out of the freezing ocean.

Matinicus is a tiny island—a mile long and half a mile wide—and at 20 miles out to sea, it's isolated. It's the outermost inhabited island on the eastern seaboard.

At the first signs of trouble, the three-man crew aboard the *Harkness* radioed Coast Guard authorities at Southwest Harbor that they would head for Frenchboro on Long Island.

At that point, a local skipper got on the radio and told the *Harkness* to turn and run for Matinicus instead. There would be a better chance of getting help there.

"The skipper of the *Harkness* didn't know anyone lived out here," Philbrook said, slightly surprised.

Vance Bunker had also picked up the communications between the *Harkness* and the mainland. He radioed the distressed boat to see what kind of trouble it was in.

By this time, Philbrook said, the *Harkness* reported that it had two feet of water over the stern. Vance Bunker radioed back that he was on his way in his boat, the *Janellen*.

Philbrook called Bunker on the phone and offered to go along. But Bunker had already rounded up Rick Kohls, another lobsterman, and Paul Murray, who tends to everything that runs on island—boat engines, furnaces, water systems, and the telephone lines.

Murray, he figured, would come in handy if anything went wrong with the *Janellen*.

Philbrook's task was to remain on land manning the radios and standing by in case Bunker got into trouble and someone with a boat was needed to come after him.

"There weren't very many of us left on the island," Philbrook said, "and it was quite a wild night, weather-wise." There had to be someone manning the home base.

When Bunker steered into the night, he didn't know exactly where the *Harkness* was.

"He started out thinking they were off Northeast Point, off the (north) of the island instead of where they actually were, which was off Zephyr Ledge, further to the northeast," Philbrook said.

"Vance had Paul and me watching the Loran and telling him which way to steer," Kohls said, "and Paul was writing down the numbers as the *Harkness* was giving them on the radio." Bunker had to be content with watching the compass and keeping on course.

The *Harkness* was fighting for its life.

The tugboat's captain, Rudi Musetti, had only suspicions about what made the *Harkness* start to take on water. Possibly it was the rudder ports, he thought, or maybe the stuffing box.

Since leaving Ogunquit for a 20-hour trip to Northeast Harbor, Musetti had routinely checked everything on the boat every two hours. "The water started coming aboard just half an hour after my last check," he recalled later. "Everything had been riding high, as it should be. Then I looked back, and we were submerged."

Musetti threw the switches from the pumps, but could only trust that they were working, as the decks were too icy to walk on. "But every time I looked back," he continued, "we were going down, not up."

As the *Harkness* sank, Bunker developed a new worry. Radio communications had revealed that the *Harkness* had two 500-foot tow ropes that had been coiled on the stern, but they had been washed overboard as the boat took on water.

If the ropes got tangled in Bunker's propeller and the *Harkness* was sinking, it would

have pulled Bunker's boat down with it. "And of course," Philbrook said "nobody could see a thing."

"Things were getting tense," Philbrook said. "We'd finally figured out where they were, and were on the way to those coordinates, and the guy was on the radio saying that he knew he was going to lose the boat, and that he and his crew were going to have to go into the water. . . . Then the skipper said that the water was up to his chest in the wheelhouse."

It was 7:02, just over an hour since the tugboat's first distress call. It was the last signal that would come from the *Harkness*.

"When we heard that silence," said Kohls, "I knew I was going to puke. It was a terrible, terrible feeling. Of course the battery might have gone dead, but we knew they were in the water."

As Bunker's boat approached the *Harkness'* location, a mile and half to two miles off Matinicus, the Coast Guard arrived on the scene.

The *Janellen* backed off, and went back to the last set of numbers the *Harkness* had given. "By then," Kohls said, "we knew there wasn't much of a chance them boys would still be alive. It was jeezily cold, and that sea smoke lay right over the water like a . . . blanket."

Kohls and Murray kept at it, looking over the sides of the *Janellen* down into the water. But the sea smoke was impenetrable, and they could see nothing.

For some reason, Kohls looked up instead of down. "I couldn't believe my eyes," he said. "I saw a light shining straight up into the sky above the sea smoke."

It wasn't much of a light, but its effect was huge. "It was like Charlie Brown's Christmas," Kohls said. "We knew at least one of them was out there." Kohls guided Bunker to the light.

The unlikely, if not the impossible, had happened. A wooden ladder had floated free of the *Harkness* as it went down, and all three men had grabbed onto it.

One of the three, Arthur Stevens, happened to be carrying a little three-cell battery flashlight that his daughter had given him for Christmas.

I don't think Arthur was even aware that he still had the flashlight," Musetti said, "because his hands were too cold to hold onto anything. What had happened was that the flashlight had frozen to Arthur's glove."

Then the three men in the water saw the *Janellen's* searchlight coming through the sea smoke.

"We couldn't see the boat itself," Musetti said, "and it was blowing too hard for us to hear its engine."

Still, it was a struggle for the angels to save the men.

"We held the gaff out to one of them," Kohls said, "he kind of hooked on it with his arms, because he had lost the use of his hands. He looked up at us and said, 'Boy, are we glad to see you.'"

"It seemed like a lifetime getting the first two aboard," Kohls said. "Paul and I were pulling on one of them." Bunker got the other aboard himself. "Vance is a big boy," Kohls said. "He is stronger. Also, fear motivates everybody."

The Coast Guard boat rescued the third man.

When the *Harkness'* crew was pulled from the water, the combination of wind and temperature created a wind-chill factor of 55 below zero. Murray and Kohls stripped off their clothes and gave them to the two men they had pulled onto the *Janellen*.

"You have never seen such cold human beings," Kohls said. "They couldn't walk, they couldn't move, except to vibrate like they were coming apart at the seams. We took them down below and had to cut the clothes off them." Luckily, Bunker kept a stove going down below.

Musetti said that neither he nor his two crew members gave in to panic, though when they finally abandoned ship he was certain that rescuers would not be able to find them in time.

"You can't survive more than a few minutes in that water," he said, "and we were already right on the verge of hypothermia. We talked to each other as we went into the water."

"I didn't feel fear, particularly. Maybe because there was no point in it. I thought about my four daughters and my grandchildren. And my parents. All I could think about was that I wouldn't see them again. It made me sad."

All six men involved—the three in the water and the three aboard the *Janellen*—figures something beyond just themselves was involved.

Kohls calls it luck.

"Everything happened just right. One man's daughter just happened to give him a flashlight for Christmas instead of anything else you could think of."

"A wooden ladder just happened to float right up to those men."

"And that flashlight just happened to freeze itself to his glove when he couldn't hold on to anything anymore."

But what's most miraculous is the direction that little flashlight was pointing in. What are the chances that the beam of a flashlight that's frozen onto the glove of a drowning man would point straight up into sky? By all logic it should have been submerged."

But it wasn't. And the beam did point straight up. And Kohls did just happen to lift his head up from his sightless staring into the sea smoke in time to see it. And he just happened to be on the right side of the boat.

"I don't want to go out on any more rescue missions this year," Kohls said, "because whatever there was in the luck bank, we used it all up this time."

(Reprinted from the Maine Sunday Telegram, Sunday, January 26, 1992.)

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at \$3,889,166,997,037.83, as of the close of business on Friday, April 3, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or \$785 million every day.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

# THE RETIREMENT OF SENATOR CONRAD

Mr. BENTSEN. Mr. President, I had just finished speaking last Thursday when our distinguished colleague from North Dakota, Senator KENT CONRAD, took the floor to inform the Senate of his decision not to seek reelection.

I was surprised and disappointed that he would voluntarily cut short a promising career of public service. But I respect his decision, and appreciate the factors that contributed to it.

Senator CONRAD is one of the work horses of this body, willing to master the details of issues, and always prepared to defend the interests of the people of North Dakota.

In nearly two decades of public service, he has specialized on tax and budget matters. His experience in State government gave him the experience and the reputation of being a good manager of public funds. He ran for the Senate pledging not to run again if the budget deficit had not been significantly reduced. During his nearly 6 years in the Senate, his devotion to the cause of deficit reduction has been clear and unwavering.

Senator CONRAD did not create the huge deficits of the 1980's, and he certainly worked as hard as any of us to impose controls and cutbacks in recent years.

But we have not reached that goal of eliminating the deficit. Our progress has been fitful and limited. The President's own forecasts of huge deficits as far as the eye can see suggest that the problem is slipping away from our grasp.

The blame should not rest on KENT CONRAD'S shoulders. In fact, I think we have fallen short largely because of the absence of Presidential leadership.

But Senator CONRAD had made a special commitment regarding the deficit, and he felt honor bound not to seek reelection. I know that concept is somewhat old fashioned these days, but it's one that should be prized even if it were not so rare. My own father, who moved to Texas from the Dakotas, instilled in me a profound sense of honor and other values.

We don't have to live in the corridors of power, but we do have to live with ourselves. Senator CONRAD set an example of someone who put his conscience first.

For his integrity, for his fine record as a Senator, for the example he has set, he deserves our administration and respect.

# RECOGNITION OF FORMER YUGOSLAVIA REPUBLICS MUST INCLUDE KOSOVA

Mr. PRESSLER. Like the dinosaur and the Soviet Union, Yugoslavia no longer exists. Today, President Bush adjusted U.S. policy to correspond to this reality. I commend the President

for his decision to recognize Croatia, Slovenia, and Bosnia-Herzegovina. Recognition sends a signal to Belgrade that the United States will no longer allow that regime to strong arm its neighbors.

However, I also want to stress the urgency of the need to extend the recognition process to Albania populated Kosova. In addition, the Albanians of the former Yugoslavia must be given a seat at the peace table in Brussels.

Having lost control of Croatia and Slovenia, Belgrade may increase its already crushing pressures on Kosova. Like a number of others in Congress, I strongly support recognition of Kosova. For this reason, in February I introduced Senate Concurrent Resolution 96, expressing the sense of Congress that the United States should recognize the independence of the Republic of Kosova.

The Albanians represent the third largest ethnic group in the former Yugoslavia. Yet they have been excluded from the peace talks in Brussels. If a true and lasting peace is to be achieved in the countries emerging from the former Yugoslavia, several things must occur.

First, Yugoslavians of Albanian descent must be given a place at the peace talks. Second, martial law must be lifted in the Republic of Kosova. Third, Kosova must be recognized as an independent state. Finally, free elections, conducted under international supervision, must be allowed to occur in Kosova.

The United States should not tolerate further bloodshed in the former Yugoslavia. That is why I recently introduced the Former Yugoslavia Act of 1992, which, among other things, calls upon the President to tell Congress what he will do to recognize those regions and republics within what was Yugoslavia that desire independence. The legislation also requires the President to tell Congress what he will do to end Belgrade's military aggression of occupation in the former Yugoslavia and to bring violators to justice. I am delighted that, to date, Senators DOLE, D'AMATO, and HELMS have joined me in this effort.

Artificial countries like the former Yugoslavia should not be preserved against the will of the people. Standing for the principles of freedom and independence, the United States can assist the people of the former Yugoslavia to enjoy independence and peace.

I hope the President's announcement of recognition will begin that process. I commend him for his action. However, I believe he should continue the process. It is my hope that he will move rapidly to address the needs of the Albanians of Kosova in the manner I have outlined.

# WAIVER OF CERTAIN SECTIONS OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 193

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 3, 1992, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

## To the Congress of the United States:

Pursuant to subsection 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Armenia, Belarus, Kyrgyzstan, and Russia will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Armenia, Belarus, Kyrgyzstan, and Russia required by subsection 402(c)(2)(B) of the Act. This letter constitutes the report to the Congress required by subsection 402(c)(2).

Pursuant to subsection 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Armenia, Belarus, Kyrgyzstan, and Russia.

GEORGE BUSH.

THE WHITE HOUSE, April 3, 1992.

# FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 194

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 3, 1992, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

## To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (the FREEDOM Support Act of 1992). Also transmitted is a section-by-section analysis of the proposed legislation.

I am sending this proposal to the Congress now for one urgent reason: With the collapse of the Soviet Union, we face an unprecedented historical opportunity to help freedom flourish in the new, independent states that have replaced the old Soviet Union. The success of democracy and open markets in these states is one of our highest for-



eign policy priorities. It can help ensure our security for years to come. And the growth of political and economic freedom in these states can also provide markets for our investors and businesses and great opportunities for friendship between our peoples.

While this is an election year, this is an issue that transcends any election. I have consulted with the congressional leadership and have heard the expressions of support from both sides of the aisle for active American leadership. I urge all Members of Congress to set aside partisan and parochial interests.

Just as Democrats and Republicans united together for over 40 years to advance the cause of freedom during the Cold War, now we need to unite together to win the peace, a democratic peace built on the solid foundations of political and economic freedom in Russia and the other independent states.

This proposal gives me the tools I need to work with the international community to help secure the post-Cold War peace. It provides a flexible framework to cope with the fast-changing and unpredictable events transforming Russia, Ukraine, Armenia, and the other states. This proposal will allow us to:

- Mobilize fully the executive branch, the Congress, and the private sector to support democracy and free markets in Russia and the other independent states of the former Soviet Union;

- Address comprehensively the military, political, and economic opportunities created by the collapse of the Soviet Union, targeting our efforts and sharing responsibilities with others in the international community; and

- Remove decisively the Cold War legislative restrictions that hamstring the Government in providing assistance and impede American companies and businesses from competing fairly in developing trade and investment with the new independent states.

Passage of this proposal will enable the United States to maintain its leadership role as we seek to integrate Russia and the other new independent states into the democratic family of nations. Without the tools this proposal provides, our policy of collective engagement will be constrained, our leadership jeopardized.

This proposal has 10 key elements:

*First*, this proposal provides the necessary flexibility for the United States to extend emergency humanitarian assistance to Russia and the other new independent states.

Emergency humanitarian assistance will help the peoples of the former Soviet Union to avoid disaster and to reduce the danger of a grave humanitarian emergency next winter. In this endeavor, the United States will not go it alone but will continue to work closely with the international community, a process we initiated at the

Washington Coordinating Conference in January and will continue in the months ahead in regular conferences with our allies. By dividing our labors and sharing our responsibilities, we will maximize the effects of our efforts and minimize the costs.

*Second*, this proposal will make it easier for us to work with the Russians and others in dealing with issues of nuclear power safety and demilitarization. This proposal broadens the authority for Department of Defense moneys appropriated last fall for weapons destruction and humanitarian transportation to make these funds, as well as foreign military financing funds, available for nonproliferation efforts, nuclear power safety, and demilitarization and defense conversion.

*Third*, technical assistance can help the Russians and others to help themselves as they build free markets. Seventy years of totalitarianism and command economics prevented the knowledge of free markets from taking a firm hold in the lands of Russia and Eurasia. By providing know-how, we can help the peoples and governments of the new independent states to build their own free market systems open to our trade and investment. It will also allow agencies authorized to conduct activities in Eastern Europe under the "Support for East European Democracy (SEED) Act of 1989" to conduct comparable but separate activities in the independent states of the former Soviet Union. Through organizations such as a Eurasia Foundation, we will be able to support a wide range of technical assistance efforts.

*Fourth*, this proposal will allow us to significantly expand our technical assistance programs that facilitate democratization in the new states, including our expanding rule of law program. It will authorize support for programs such as "American Houses." It also provides support for expanded military-to-military programs with Russia and the other new independent states to cultivate a proper role for the military in a democratic society.

*Fifth*, this proposal provides a clear expression of bipartisan support to continue to extend Commodity Credit Corporation credit guarantees to Russia and the other new independent states in light of the progress they are making toward free markets. As they overcome their financial difficulties, we should take into account their commitment to economic freedom in providing credit guarantees that will help feed their people while helping American farmers.

*Sixth*, for American business, this proposal expands authority for credit and investment guarantee programs such as those conducted by the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. It will allow us to waive statutory ceilings on credit guarantee programs of

the Export-Import Bank Act and other agencies that applied to the Soviet Union and the restrictions of the Johnson Debt Default Act on private lending. In this way, it will expand U.S. exports to and investment in Russia and the other new independent states.

*Seventh*, this bill will facilitate the development of the private sector in the former Soviet Union. This bill removes Cold War impediments while promoting outside investment and enhanced trade. It will also allow waiver of restrictions on imports from the independent states of the former Soviet Union beyond those applied to other friendly countries. It will support efforts to further ease Coordinating Committee (COCOM) restrictions on high technology. The bill will also allow the establishment of Enterprise Funds and a capital increase for the International Financial Corporation.

*Eighth*, this proposal will allow the United States to work multilaterally with other nations and the international financial institutions toward macroeconomic stabilization. At the end of World War II, the United States stood alone in helping the nations of Western Europe recover from the devastation of the war. Now, after the Cold War, we have the institutions in place—the International Monetary Fund (IMF) and the World Bank—that can play a leading role in supporting economic reform in Russia and Eurasia.

Therefore, this proposal endorses an increase in the IMF quota for the United States. This will help position the IMF to support fully a program of macroeconomic stabilization. I request the Congress to pass both the authorization and appropriations necessary for this purpose.

*Ninth*, this proposal endorses a significant U.S. contribution to a multilateral currency stabilization fund. Working with the international financial institutions and the other members of the G-7, we are putting together a stabilization fund that will support economic reform in Russia and the other independent states.

*Tenth*, this proposal provides for an expanded American presence in Russia and the other new independent states, facilitating both government-to-government relations and opportunities for American business. Through organizations such as the Peace Corps and the Citizens Democracy Corps, we will be able to put a large number of American advisors on the ground in the former Soviet Union.

In sending this authorization legislation to the Congress, I also request concurrent action to provide the appropriations necessary to make these authorizations a reality. In order to support fully multilateral efforts at macroeconomic stabilization, I urge the Congress to move quickly to fulfill the commitment of the United States to

the IMF quota increase. And I urge prompt enactment of the appropriations requests for the former Soviet Union contained in the Fiscal Years 1992 and 1993 Budget requests presently before the Congress.

I call upon the Congress to show the American people that in our democratic system, both parties can set aside their political differences to meet this historic challenge and to join together to do what is right.

On this occasion, there should be only one interest that drives us forward: America's national interest.

GEORGE BUSH.

THE WHITE HOUSE, April 3, 1992.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### NOTIFICATION OF CEASE FIRE BETWEEN THE GOVERNMENT OF EL SALVADOR AND THE FARABUNDO MARTI LIBERATION FRONT—PM 195

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

*To the Congress of the United States:*

Section 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), provides that amounts in the Demobilization and Transition Fund established for peace-keeping purposes by that Act shall be made available for obligation and expenditure only upon notification by the President to the Congress that the Government of El Salvador and representatives of the Farabundo Marti Liberation Front (FMLN) have reached a permanent settlement of the conflict, including a final agreement on a cease-fire. On January 16, 1992, the Government of El Salvador and the FMLN signed such an agreement, bringing an end to the civil conflict.

Consistent with section 531, I hereby provide notification that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

This notification allows the amounts in the Demobilization and Transition Fund (Fund) to be made available for obligation and expenditure. The Secretary of State will have responsibility for administering the Fund.

It is extremely important for the United States to support the implementation of this historic peace agreement, and I look forward to your continued cooperation toward achieving our mutual objectives in this endeavor.

GEORGE BUSH.

THE WHITE HOUSE, April 7, 1992.

#### RELEASE OF PANAMANIAN ASSETS—MESSAGE FROM THE PRESIDENT—PM 196

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

1. I hereby report to the Congress on developments since the last Presidential report on October 3, 1991, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, I issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that I directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Office of Foreign Assets Control of the Department of the Treasury ("FAC") has released to the control of the Government of Panama approximately \$134 million of the approximately \$137.3 million that remained blocked at the time of my last report. The amount released represents blocked financial accounts that the Government of Panama requested be unblocked.

Of the approximately \$6.1 million remaining blocked at this time (which includes approximately \$2.8 million in interest credited to the accounts since my last report), some \$5.5 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately \$600,000 is held in com-

mercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

4. I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

GEORGE BUSH.

THE WHITE HOUSE, April 7, 1992.

#### REPORT ON SANCTIONS AGAINST HAITI—MESSAGE FROM THE PRESIDENT—PM 197

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payment prohibitions and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and



cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28 were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implement in the United States Resolution MRE/RES. 291, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with other Federal agencies, issued the Haitian Transactions Regulations, 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders Nos. 12775 and 12779.

Prior to the issuance of the final regulations, FAC issued a number of general licenses to address urgent situations requiring an interpretation of U.S. sanctions policy in advance of the final regulations. These general licenses provided agency policy regarding the articles (baggage, personal effects, etc.) that could be exported or imported by travellers to and from Haiti; the treatment of amounts owed to the *de facto* regime by U.S. persons for certain telecommunications services; the movement of diplomatic pouches; the obligation of banks and other financial institutions with respect to Government of Haiti funds in their possession or control; authorization of commercial shipments to Haiti

of medicines and medical supplies; and the circumstances under which certain exportations to, or importations from, the "assembly sector" in Haiti would be permitted. These general licenses have been incorporated into the Haitian Transactions Regulations.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30 of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 291.

5. In these initial months of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on U.S. firms having established relationships with Haiti's "assembly sector," and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms wishing to terminate assembly operations in Haiti to return equipment, machinery, and parts and materials inventories to the United States and, beginning February 5, 1992, permitting firms wishing to resume assembly operations in Haiti to do so provided the prohibition on payments to the *de facto* regime is complied with, and (3) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti.

6. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions will be taken.

7. The expenses incurred by the Federal Government in the 6-month period from October 4, 1991, through April 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at \$323,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the Department of Commerce, and the Federal Reserve Bank of New York.

8. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, April 7, 1992.

#### MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 271) expressing the sense of the Congress regarding the peace process in Liberia and authorizing limited assistance to support the process; without amendment.

The message also announced that the House has passed the bill (S. 838) to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2912. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2913. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize appropriations for the planning, construction, acquisition, alteration, repair of facilities, and

other public improvements of Agricultural Research Service facilities at Beltsville, Maryland; Peoria, Illinois; Albany, California; and Greenport, New York; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2914. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, certifications relative to the Board for International Broadcasting; to the Committee on Appropriations.

EC-2915. A communication from the Director of the Office of Procurement, Assistance, and Program Management, Department of Energy, transmitting, pursuant to law, a report on an acquisition action at the Rocky Flats Nuclear Plant; to the Committee on Armed Services.

EC-2916. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; to the Committee on Armed Services.

EC-2917. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report stating that the program acquisition unit cost of a major defense acquisition has increased by more than 15 percent; to the Committee on Armed Services.

EC-2918. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1 through December 31, 1991; to the Committee on Armed Services.

EC-2919. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for the quarter ended December 31, 1991; to the Committee on Armed Services.

EC-2920. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the Council for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2921. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1992 annual reports on the community development programs administered by the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-2922. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Administration for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-2923. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

EC-2924. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-2925. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of time for a decision in Docket No. 40365, National Starch and Chemical Corporation v. The Atchison, Topeka, and Santa Fe Railway Company, et al.; to

the Committee on Commerce, Science, and Transportation.

EC-2926. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report regarding the Saltonstall-Kennedy Grant program for fiscal years 1987-90; to the Committee on Commerce, Science, and Transportation.

EC-2927. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Electric and Hybrid Vehicle Program for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2928. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on progress on developing and certifying the traffic alert and collision avoidance system; to the Committee on Commerce, Science, and Transportation.

EC-2929. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-2930. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the updated Aviation System Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC-2931. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on certain contractual actions involving actual or potential cost in excess of \$50,000; to the Committee on Commerce, Science, and Transportation.

EC-2932. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-2933. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in authorization ceilings for land acquisition and development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2934. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2935. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2936. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2937. A communication from the Secretary of the Interior, transmitting, pursu-

ant to law, the annual report on the Youth Conservation Corps Program for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-2938. A communication from the Assistant Administrator of the Environmental Protection Agency (Enforcement), transmitting, pursuant to law, a report on Clean Water Act Enforcement Mechanisms; to the Committee on Environment and Public Works.

EC-2939. A communication from the Deputy Assistant Administrator of the Environmental Protection Agency (Enforcement), transmitting, pursuant to law, a discussion paper entitled "Analysis of Possible Revisions to the Clean Water Act"; to the Committee on Environment and Public Works.

EC-2940. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of certain proposed prospectuses; to the Committee on Environment and Public Works.

EC-2941. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, a report on actions being taken to improve labor-management relations at the Tennessee Valley Authority; to the Committee on Environment and Public Works.

EC-2942. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the appropriation of funds from the Harbor Maintenance Trust Fund to the Department of the Army for payment of administrative expenses incurred in administering the port use fee and to clarify funding from the Inland Waterways Trust Fund for rehabilitation costs of existing and future projects for navigation on the inland and coastal waterways of the United States, and for other purposes; to the Committee on Finance.

EC-2943. A communication from the Deputy Director of the United States Information Agency, transmitting, pursuant to law, a report on action under the Convention on Cultural Property Implementation Act concerning an extension of an emergency United States import ban on pre-Hispanic archaeological material originating in the Cara Sucia Archaeological Region of El Salvador; to the Committee on Finance.

EC-2944. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a recommendation for a national per resident amount for Medicare direct graduate medical education payments; to the Committee on Finance.

EC-2945. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to March 26, 1992; to the Committee on Foreign Relations.

EC-2946. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Farm Credit Administration under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-2947. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the biennial report of the Office for the period January 1990 through December 1991; to the Committee on Governmental Affairs.

EC-2948. A communication from the Director of the Information Security Oversight



Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1991; to the Committee on Governmental Affairs.

EC-2949. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the opinion and recommended decision relative to the establishment of rate categories and discounts for pre-barcode flat-shaped mail; to the Committee on Governmental Affairs.

EC-2950. A communication from the Director of Central Intelligence, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

EC-2951. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General for fiscal year 1991; to the Committee on the Judiciary.

EC-2952. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2953. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2954. A communication from the Director of Administration and Human Resource Management, Department of Energy, transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2955. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, for the information of the Senate, comments on a proposed amendment to the National Institutes of Health Reauthorization Act; to the Committee on Labor and Human Resources.

EC-2956. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final procedures for the Robert C. Byrd Honors Scholarship Program; to the Committee on Labor and Human Resources.

EC-2957. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Department of Veterans Affairs under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2958. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, the audit report of the Institute for fiscal year 1991; to the Committee on Labor and Human Resources.

EC-2959. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1992 Report of the Surgeon General on the health consequences of smoking; to the Committee on Labor and Human Resources.

EC-2960. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the recommendations of the Intergovernmental Advisory Council on Education; to the Committee on Labor and Human Resources.

EC-2961. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the activities and accomplishments of the State programs operated under the authority of the Developmental Disabilities Assistance and Bill of Rights Act for fiscal year 1990; to the Committee on Labor and Human Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-321. A joint resolution adopted by the Legislature of the State of Washington to the Committee on Energy and Natural Resources.

"SUBSTITUTES HOUSE JOINT MEMORIAL 4033

"Whereas, for fifty years, labor unions have advocated forestry methods that incorporate environmental values in the form of sustained-use and multiple-use forestry and setting aside timber land in wilderness areas and parks, so that forests can be vital elements in the everyday lives of communities; and

"Whereas, in the Pacific Northwest, timber is a primary industry, and hundreds of communities are timber-dependent; and

"Whereas, in the Pacific Northwest, workers directly employed by timber companies are woodworkers and truckers, workers in sawmills and plywood mills, and workers in pulp and paper mills; and

"Whereas, in the Pacific Northwest, the timber industry supports secondary employment in the service and public sectors, employees whose jobs depend on timber sales; and

"Whereas, workers in other parts of the country depend on the raw materials from the Pacific Northwest; workers in furniture, paper, and building materials manufacturing, as well as the building trades; and

"Whereas, Pacific Northwest timber makes up more than thirty percent of all the timber used in the United States; and

"Whereas, job losses would erode the tax bases of hundreds of Pacific Northwest communities, jeopardizing public and service sector employment and the delivery of vital social services; and

"Whereas, the issue of timber harvesting and protection of species habitat is much broader than the spotted owl and the Pacific Northwest; and

"Whereas, the timber industry is a fifty-seven billion dollar industry, employing six hundred twenty-seven thousand workers in every region of the United States and providing seventy percent of the United States' building construction materials; and

"Whereas, a failure to find a solution to the issues of the spotted owl and old growth forests of the Pacific Northwest leaves larger issues unaddressed and the door open for continued controversy and economic disruption in nearly every part of the country; and

"Whereas, halting timber harvest in order to protect the owl, the federal government may lose two hundred twenty-nine million dollars a year in timber sales receipts; and

"Whereas, the issue is not whether species like the spotted owl deserve protection but rather to find solutions that protect species and protect jobs and communities; and

"Whereas, a long-term solution requires a balance between environmental needs and the economic well-being of working families and communities across the country; and

"Whereas, labor unions representing Northwest timber workers have joined with the timber industry to offer a balanced, comprehensive, and fair approach to the forest management crisis in the Northwest, under the title Forests and Families Protection Act, H.R. 2463; and

"Whereas, the Forest and Families Protection Act is the only proposal that deals with all of the components of the present problem: (1) Old-growth reserves; (2) spotted owl protection; (3) timber program stability; and (4) worker assistance and economic adjustment measures;

"Now, therefore, your Memorialists respectfully pray that Congress and the President of the United States enact the Forests and Families Protection Act, H.R. 2463:

Be it

"Resolved, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-322. A resolution adopted by the Senate of the State of Michigan to the Select Committee on Indian Affairs.

"SENATE RESOLUTION NO. 383

"Whereas, The Odawa Indians have played an important role in the heritage and the history of our present state of Michigan. Long before the arrival of European explorers, the formation of the Northwest Territories, and the creation of Michigan as a state, the Odawa Indians made the northern Great Lakes region their home; and

"Whereas, Today, seven major groups of Native Americans in Michigan are federally recognized tribes. Federal recognition gives tribes access to critical funding for programs leading to self-sufficiency through economic development and growth; and

"Whereas, The Little Traverse Bay Bands of Odawa Indians is one of our state's six non-federally recognized state historic tribes. The tribe, however, is directly descended from those who lived here at the time of the signing of the 1836 Treaty of Washington and the 1855 Treaty of Detroit, which deeded large amounts of land to the federal government. These treaties established a government-to-government relationship that the tribe, justly, feels still continue today; and

"Whereas, It is most fitting and appropriate that the Little Traverse Bay Bands of Odawa Indians receives federal recognition. The tribe's proud heritage and long documented history clearly call for federal recognition: Now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby recognize the Little Traverse Bay Bands of Odawa Indians as a Michigan historic Indian tribe, and strongly support its efforts to obtain federal reaffirmation; and be it further

"Resolved, That copies of this document be transmitted to the Little Traverse Bay Bands of Odawa Indians, representatives of the Bureau of Indian Affairs, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-323. A petition of a citizen of Claremont, California praying for a redress of grievances; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of April 2, 1992, the following reports of committees were submitted on April 3, 1992:

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 107. An original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:  
software copyright (Rept. No. 102-268).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Vice Adm. William O. Studeman, U.S. Navy, to be Deputy Director of Central Intelligence, and to have the rank of admiral while so serving (Exec. Rept. No. 102-24).

John E. Connolly, of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1997; and

William D. Skelton, of Georgia, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1997.

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

### To be vice admiral

Rear Adm. (Selectee) William J. Flanagan, Jr., 034-30-3013, U.S. Navy.

The following named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

### To be general

Gen. John M. Loh, 577-50-2768, U.S. Air Force.

The following named officer for appointment in the U.S. Army, without specification of branch component, and in the Regular Army of the United States to the grade indicated in accordance with article II, section 2, clause 2 of the Constitution of the United States. This appointment is vice existing appointment as a brigadier general of the Army Nurse Corps.

### To be permanent brigadier general

Brig. Gen. Clara L. Adams-Ender, 243-58-3140, U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report

favorably the attached listing of nominations.

Those identified with a single asterisk (\*) are to be placed on the Executive Calendar. Those identified with a double asterisk (\*\*) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*In the Air Force there is 1 appointment to the grade of brigadier general (Thomas L. Hemingway). (Reference No. 457-5.)

\*In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Michael Adams). (Reference No. 589-1.)

\*In the Navy there are 30 promotions to the grade of rear admiral (lower half) (list begins with Charles Stevenson Abbot). (Reference No. 827.)

\*In the Air Force there are 23 appointments to the grade of major general (list begins with Jay D. Blume, Jr.). (Reference No. 889-1.)

\*\*In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Susann J. Steinberg). (Reference No. 896.)

\*\*In the Air Force there are 20 promotions to the grade of lieutenant colonel (list begins with James D. Barker). (Reference No. 897.)

\*\*In the Army there are 23 promotions to the grade of lieutenant colonel (list begins with James A. Buckner). (Reference No. 898.)

\*\*In the Air Force there are 1,558 promotions to the grade of lieutenant colonel (list begins with James A. Abbott). (Reference No. 899.)

\*\*In the Air Force Reserve there are 11 appointments to the grade of colonel and below (list begins with Steven A. Task). (Reference No. 907.)

\*Brig. Gen. William E. Jones, USAF to be major general. (Reference No. 919.)

\*\*In the Air Force there are 6 promotions to the grade of colonel and below (list begins with Phyllis J. Hansen). (Reference No. 922.)

\*\*In the Air Force there are 13 promotions to the grade of lieutenant colonel and below (list begins with Robert K. Butler, Jr.). (Reference No. 923.)

\*\*In the Air Force there are 8 promotions to the grade of major (list begins with Stephen C. Carey). (Reference No. 924.)

\*\*In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Robert G. Albrecht, Jr.). (Reference No. 925.)

\*\*In the Army there are 5 promotions to the grade of lieutenant colonel and below (list begins with Ina J. Clawson). (Reference No. 926.)

\*\*In the Army Reserve there are 23 promotions to the grade of colonel and below (list begins with Johnny D. Brown). (Reference No. 927.)

\*\*In the Army there are 966 appointments to the grade of second lieutenant (list begins with David A. Abke). (Reference No. 928.)

\*Lt. Gen. Leo W. Smith II, USAF to be placed on the retired list in the grade of lieutenant general. (Reference No. 936.)

\*Lt. Gen. Jack D. Woodall, USA to be placed on the retired list in the grade of lieutenant general. (Reference No. 939.)

\*Maj. Gen. Jerome H. Granrud, USA to be lieutenant general. (Reference No. 940.)

\*\*In the Air Force there are 727 promotions to the grade of colonel and below (list begins with Gary A. Anderson). (Reference No. 943.)

\*In the Army Reserve there are 23 appointments to the grade of major general and below (list begins with William C. Cockerham). (Reference No. 952.)

\*\*In the Air Force there are 49 appointments to the grade of captain (list begins with Timothy D. Ballard). (Reference No. 965.)

\*\*In the Marine Corps there is one appointment to the grade of major (Bruce K. Bancroft). (Reference No. 966.)

Total: 3,514.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2531. A bill to establish a Commission on project Government Reform; to the Committee on Governmental Affairs.

By Mr. PELL (for himself and Mr. HELMS) (by request):

S. 2532. A bill entitled "Freedom For Russia and Emerging Eurasian Democracies and Open Markets Support Act"; to the Committee on Foreign Relations.

By Mr. INOUE (for himself, Mr. AKAKA, Mr. ADAMS, Mr. DIXON, Mr. DODD, Mr. MURKOWSKI, Mr. STEVENS, and Mr. SEYMOUR):

S. 2533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2534. A bill to amend the Energy Policy and Conservation Act to require certain importers and refiners who are required by the Secretary of Energy to store and maintain petroleum products in the Industrial Petroleum Reserve to store and maintain petroleum products within an insular area at the request of the Governor of an insular area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 2535. A bill to amend the National School Lunch Act to modify the minimum nutritional requirements for school lunches, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SEYMOUR:

S. 2536. A bill to amend the Public Health Service Act to establish a program of formula grants for compensating certain trauma care centers for reimbursed costs incurred with respect to undocumented aliens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. WOFFORD, Mr. KERRY, Mr. ADAMS, Mr. GRAHAM, and Mr. MOYNIHAN):

S. 2537. A bill to support efforts to promote democracy in Peru; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KENNEDY, Mr. MITCHELL, Mr. COHEN, and Mr. KERRY):

S. 2538. A bill to establish a comprehensive program to ensure the safety of fish products



intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2539. A bill to authorize the construction of the William B. Hoyt II Visitor Center at Mount Morris Dam in Mount Morris, New York; to the Committee on Environment and Public Works.

By Mr. COATS (for himself, Mr. COCHRAN, Mr. GORTON, Mr. LUGAR, and Mr. SMITH):

S. 2540. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

By Mr. BOREN:

S. 2541. A bill to provide for improvements in the delivery of and access to health care in rural areas; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2542. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SASSER (for Mr. MITCHELL (for himself and Mr. DOLE)):

United States v. Slawomir Borowy; considered and agreed to.

By Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. SIMON, and Mr. WOFFORD):

, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2531. A bill to establish a Commission on Project Government Reform; to the Committee on Governmental Affairs.

##### PROJECT GOVERNMENT REFORM: THE NEW AMERICAN REVOLUTION ACT

Mr. ROTH. Mr. President, quite often Senators come to this floor to emphasize the political and philosophical differences that exist between the Republicans and Democrats—the differences between the right and the left. But today I come to address a topic about which I believe we can find universal agreement—a topic about which we find consensus not only here on the floor of the Senate, but throughout America.

That topic concerns the effectiveness of our current Government—both the executive and legislative branches—in meeting the needs of Americans today and the needs of America tomorrow. Today, I intend to propose legislation

that will allow us to break the political gridlock that has stifled any real government reform—legislation that will enable both sides of the aisle to work together to reenvision and then reinvent not only the Federal Government, but Congress as well.

Can anyone among us say today that the Federal Government is operating as effectively, as efficiently, as productively, and responsibly as possible in meeting the complex needs of modern America? Can anyone among us say that our Government is adequately preparing our Nation—the men, women, families; the manufacturers, farmers, and businesses of America—for a bright and prosperous future?

A future in which we, as a nation, will continue to be first among equals? A nation marked by freedom and opportunity? Can anyone say even that our taxpayers—the hard-working men and women who support the Government—are getting their money's worth?

If we cannot answer each of these questions in the affirmative—and I believe that we cannot—we have to ask: "Why not?" Our Congress has access to the some of the best and the brightest minds in America. Across the street, we have the greatest library in the world. We have researchers, academics, lawyers, and political philosophers—access to information unlike the world has ever known. And thanks to a willing—and I might say a long-suffering—taxpayer, Congress has enough money to work fulltime at answering this question: "Why not?" Why can't the Federal Government be made to do what it should—to meet present needs and to lead America into a promising future—in an efficient, productive, and responsible way?

I believe that working together, the White House and Congress could revolutionize government in a way that it has not been done since the hot day in Philadelphia a little over two centuries ago. Working together, efficiency could be made the hallmark for American Government. Working together, costs could be reduced, taxes used responsibly, and Federal institutions could be made more responsive to the needs of Americans and to the future of America.

And this, Mr. President, is what we should be about. This is what our constituents sent us here to do, and the fact that it's not being done has led to the crisis of confidence we now face. An April 1 New York Times/CBS News poll suggested that an all-time low of 17 percent of the public approves of Congress right now; another poll shows that 78 percent of Americans are dissatisfied or angry about the Federal Government. On top of this, polls show that the average American believes 48 cents out of every dollar of Federal taxes is wasted. Almost half of their tax money, they believe, is being

burned by an unaccountable and inefficient Government. I do not know that I can disagree with them; but I will also say that this is not the way it should be—not for the amount of money Americans are paying in taxes. No private corporation in the world could have survived treating its customers the way Congress and the Federal Government have treated the taxpayer.

Make no mistake, Mr. President, I am not singling out Federal employees for criticism. In truth, the Federal Government has many talented and hard-working employees, but their effectiveness is seriously handicapped by existing organizational structures and operations. The real problem is with the bureaucracy—not the bureaucrats. Too many Federal institutions have become bloated and inefficient, with structures and missions not reflecting current domestic and international priorities. They are slow and unresponsive. And they cost far too much for what they accomplish.

It is no wonder the people are angry. They see government as part of the problem, not the solution. This is especially true of Congress. Congressional procedures permit the avoidance of difficult problems and hard choices. Our committee structures are a reflection of old priorities from bygone eras. Responsibilities are fractured and scattered, so that nothing gets done. Accountability is diffused, so that we can all point fingers at each other.

The irony is that it does not have to be this way. We can change the system. We can change it without raising taxes and without increasing the deficit. It's not a question of being conservative or liberal; it is not a question of politics at all. It is a question of responsible management—a question about changing the way Government does business to reflect the needs of today and the opportunities of tomorrow. We would never believe that a private company like Xerox could survive the 1990's with the same management plan it had in the 1970's; likewise we would never expect any other major corporation to plan for the 21st century with the same business plan it used in the 20th. Yet we appear willing to keep government moving with the top-heavy, wasteful, and frustrating bureaucratic structure that it has accumulated over the past five decades.

Today our country is dramatically different. The pace of change is much more rapid, the problems far more complex. We are an information society, with the technology to provide wide access to important, decision-making data. We no longer need massive administrative bureaucracies, with top-down command and control through many multiple layers of hierarchy. It is within our ability to make the Federal Government more efficient, more effective, and more respon-

sive—by slimming it down, by eliminating duplication and overlap, by focusing its programs on a coherent set of specific missions, by giving managers greater discretion to respond quickly, and by holding agencies and programs accountable for results.

Clearly, Mr. President, it is time for a change. And there's no better moment than now, when the American people are demanding it. Just as it was our citizens' discontent that led to the Revolution of 1776 against a fat, overbearing, tax-levying king, we must now begin to orchestrate a new American Revolution against a fat, overbearing, tax-levying Government bureaucracy. And the legislation I offer today is the first important step in this process. I call it Project Government Reform: The New American Revolution. Its objective is simple: To create a national commission with the authority to reinvent Government. And let me be clear about this commission: It will be a commission with teeth. One that can meet the requirements of restructuring and reforming Government to make it more efficient, more effective, and more responsive to the challenges facing America today and to the needs of America tomorrow.

I believe my colleagues will agree with me that an overabundance of commissions in Government is part of the problem and not part of the solution. However, I am certain that they will also agree with me that the issue of closing costly and obsolete military bases—which Congress revisited unsuccessfully for more than 15 years—would still be unresolved had we not elevated the issue beyond politics. The Base Closure Commission empowered to make the recommendations—recommendations that Congress then had to vote on or have the recommendations automatically go into effect—was what allowed us to finally do what had to be done with those wasteful political pets. Likewise, a well-empowered commission to make similar recommendations on a Governmentwide basis is the one sure way we can reorganize Government, making it more efficient, more effective, and more responsive to Americans without getting tangled in politics.

This may seem like a tall order, Mr. President. To be honest, it is a tall order. But it must be done. At the moment, there are four conditions that make this proposal ripe: Federal Government institutions are failing to meet basic service needs; there are new sets of management principles and modern technologies that can be employed; and at the moment our Nation literally cannot afford to service the deficit, let alone continue to spend money it doesn't have on programs that aren't working. Finally, the Federal Government must be prepared to meet the challenges of global competition in this decade and the 21st century.

What we need is to right-size and restructure the executive branch. We need a serious look at consolidating departments and programs, privatizing certain responsibilities, eliminating unnecessary agencies and commissions. And in so doing, we would also be making major strides toward breaking the lock that so many Washington special interests have on public policy.

We should also look at the possibility of decentralizing Government services and agency decisionmaking—perhaps by moving more functions out of Washington and closer to the people where they can do the most good. Think about the potential of a Federal Government—like so many State and local governments—that makes a serious commitment to one-stop shopping. Think about the potential of a Federal Government that reaches out and simplified the redtape for citizens and businesses rather than forcing them to fight their way through a thick bureaucracy—rather than forcing them to deal with several different agencies, offices, and programs, in order to solve a single problem or get a necessary response. This new version of Government is what I am talking about, and establishing a commission that can work above the gridlock of politics is the first step in moving us in that direction.

How this bipartisan commission goes about revising the Federal Government will be—just as it was with the base-closing commission—driven by criteria that are concrete and objective. Much of the substance behind this legislative proposal comes from the work being done by entrepreneurial theorists across America—men like David Osborne and Ted Gaebler, who, advocate getting Government back to the spirit of service. In their book, "Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector," Osborne and Gaebler outline some heartening success stories from State and local governments across America. Unfortunately, however, they describe how the Federal Government is woefully behind in rethinking Government efficiency. In Washington, the old beliefs still prevail: Better service requires a larger work force spending more money.

Well, Mr. President, we cannot ignore the revolution any longer. I am confident that ways can be found to make our Federal Government more effective, more efficient, and more responsive—all while cutting costs by 25 percent. Toward this end, we need a commission that puts performance above politics—a commission to examine both the executive and legislative branches of Government. The commission would then make its recommendations to the President, who, would submit the recommendations he endorses to the Congress for a vote. Both Houses would have to reject the commission's

proposed executive branch reforms for them not to go into effect.

Each House would vote individually on the reforms pertaining exclusively to that body. In other words, this would not end up being just an academic exercise, with a package of interesting ideas sitting on a shelf somewhere. It would force Congress to act on a series of fundamental reforms, all designed to reinvent and reinvigorate the way we do business in both branches.

Even Congress would be reevaluated, including those agencies that report directly to Congress, such as the General Accounting Office and the Congressional Budget Office. In my opinion, the days are over when Congress can set rules for everyone else but itself. With respect to Congress, as well as the executive branch, some of the commission recommendations, would include ways to define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability; consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility; reduce the size of the Federal work force through attrition and redirect funding toward improved training and rewarding excellence; and develop mechanisms to promote greater attention to the long-term impacts of budgetary and policy decisions.

The public's confidence will return only when we are successful in getting governmental institutions to respond quickly and effectively, with high-quality services delivered at the minimum necessary cost. In other words, it will be when the people are satisfied that the Federal Government is squeezing maximum value out of each tax dollar. Clearly, we have a long way to go to achieve that. But this commission is a resolute first step.

Mr. President, I welcome the support and cosponsorship of my colleagues on this proposal. I believe it is one that we can join together on. It is nonpartisan and it is necessary. More importantly, it allows us to get proactive with Government, rather than reactive. It demonstrates that fundamental reform of ineffective and costly bureaucracy is possible, and that Congress can work together to make Government work.

We should promise the American people that we will consider a package of major reforms of the Federal Government before the next election, 2 years from now. That is what this legislation does, and I urge that we can enact it soon.

We can turn this crisis in confidence into an opportunity for significant improvement of Government services and efficiency. We owe Americans and the future of America nothing less.

Mr. President, I ask unanimous consent to have printed two attachments.



There being no objection, the attachments were ordered to be printed in the RECORD, as follows:

**PROJECT GOVERNMENT REFORM: THE NEW AMERICAN REVOLUTION—SECTION-BY-SECTION ANALYSIS**

**SEC. 1. SHORT TITLE AND FINDINGS**

This Act may be cited as the "Project Government Reform: The New American Revolution."

The Congress finds that—

The American people face a crisis of confidence in the Federal Government, which cannot be remedied without dramatic and fundamental reform. Recent polls indicate that an all time low of only 17 percent of the public approves of Congress, that 78 percent are dissatisfied or angry about the Federal Government, and that Americans think an average of 48 cents out of every dollar in federal taxes is wasted. While the American people are demanding more performance from their government for less money, Congress and the Executive branch still debate the same old options of fewer services or higher taxes. The public wants governmental institutions that respond quickly to citizens needs, with high-quality services delivered at the minimum necessary cost, and with ever more value squeezed out of each tax dollar.

The Federal Government has many talented and hardworking employees whose effectiveness is hindered by existing organizational structures and operations. Such organizations have too often become inefficient and have structures and missions not reflecting current domestic and international priorities. These organizations were developed during the industrial era, and have large, centralized bureaucracies, a preoccupation with rules and regulations, and a hierarchical chain of command. Such governmental organizations are so obsessed with regulating processes and procedures, that they have ignored the outcomes of their programs.

Unlike the Federal Government, American corporations have spent the last decade making revolutionary changes by streamlining their organizations, decentralizing authority, flattening hierarchies, focusing on quality, and emphasizing responsiveness to the customer. State and local governments have also begun to apply those same principles of post-industrial organization and uses of technology in successful efforts aimed at reinventing government. There is now a crucial need for a serious examination of how the Federal Government might apply such organizational and operational reforms to its own institutions.

**SEC. 2. DEFINITIONS**

Defines the term "commission" as the "Project Government Reform: The New American Revolution".

Defines the term "congressional instrumentalities" as all congressional agencies, including GAO, CBO, OTA, Library of Congress, the Government Printing Office, and the Architect of the Capitol.

Defines the term "governmental entities" as all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations.

Defines the term "joint committee" as the Joint Committee on the Organization of the Congress established in section 4.

**SEC. 3. THE COMMISSION**

The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

The President shall transmit to the Senate the nominations for appointment by February 1, 1993. In selecting individuals, the President should consult with—

- the Speaker of the House concerning the appointment of two members;
- the majority leader of the Senate concerning the appointment of two members;
- the minority leader of the House concerning the appointment of one member; and
- the minority leader of the Senate concerning the appointment of one member.

The remaining three members of the commission are appointed by the President with no requirement of consultation.

The Speaker and minority leader of the House and the majority leader and minority leader of the Senate will be non-voting ex officio members of the Commission.

Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

**SEC. 4. JOINT COMMITTEE OF THE ORGANIZATION OF THE CONGRESS**

The Joint Committee shall be composed of 12 members, including:

- four members of the House, two appointed by the Speaker of the House and two appointed by the minority leader;
- four members of the Senate, two appointed by the majority leader and two appointed by the minority leader;
- four members of the public, of whom one appointed by each of the Speaker and minority leader of the House and majority and minority leader of the Senate.

The Joint Committee shall—  
make a full and complete study of the organization and operation of the Congress and its instrumentalities;  
recommend improvements in organization and operation with a view toward strengthening the effectiveness of the Congress and its instrumentalities, simplifying its operations, improving its relations with other branches of the Federal government, and improving orderly consideration of legislation.

The Joint Committee shall report to the national Commission not later than January 1, 1994. These recommendations will be considered by the national commission in its formulation of recommendations to be sent to the President under section 5.

**SEC. 5. PROCEDURES FOR MAKING RECOMMENDATIONS**

The national commission shall transmit to the President findings and statutory recommendations regarding reforms to the organization and operations of the Congress and executive branch which would improve governmental performance while minimizing costs. Such recommendations shall promote economy, efficiency, and improved service in the transaction of the public business, and include ways to—

- (1) define program missions in terms of measurable outcomes, emphasizing quality of service, customer satisfaction, and results-oriented accountability;
- (2) reform personnel systems so as to improve morale, inspire initiative, maximize productivity and effectiveness, and reward excellence;
- (3) increase program responsiveness, by reducing paperwork and procedural requirements and increasing managerial discretion, in return for greater accountability for achieving results;
- (4) consolidate and streamline departments, agencies, and programs, so as to reduce costs, minimize hierarchy, and focus responsibility;

(5) reduce the size of the federal workforce through attrition and redirect funding toward improved training and rewarding excellence in the workforce;

(6) promote the application of new information technologies, to improve management and reduce administrative costs; and

(7) develop mechanisms to promote greater cooperation and coordination between the legislative and executive branches, and greater attention to the long-term impacts of budgetary and policy decisions.

The Commission shall conduct public hearings on the recommendations. The Commission shall, by no later than June 1, 1994, transmit to the President a series of reports containing the Commission's findings and statutory recommendations. The Commission has the authority to divide its recommendations into a series of up to 12 reports to the President. No more than one report each shall pertain exclusively to the Senate, the House of Representatives, and the instrumentalities of Congress.

The President shall, by no later than July 1, 1994, transmit to the Commission and to the Congress the President's approval or disapproval of the Commission's recommendations. The President shall treat each report of the Commission as a separate report. If the President approves the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of the approval.

If the President disapproves the recommendations in any of the reports of the Commission, the President shall transmit to the Commission and to the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than July 15, 1994, a revised list of recommendations with regard to that report. If the President approves the revised report, the President shall transmit a copy of the revised report to the Congress, together with a certification of such approval.

If the President does not transmit to the Congress an approval and certification by August 1, 1994, of a particular report, the process by which the recommendations under this Act are to be implemented shall be terminated.

**SEC. 6. IMPLEMENTATION OF EXECUTIVE BRANCH RECOMMENDATIONS**

Subject to Congressional disapproval of a particular report, the President shall initiate all the recommendations within two years and complete all action no later than the end of six years.

The President may not carry out any of the recommendations if a joint resolution is enacted disapproving such recommendations of a particular report of the Commission before the earlier of the end of the 30-day period beginning on the date on which the President transmits the report or the adjournment of Congress sine die for the session.

A joint resolution is required to be introduced within the 5-day period beginning on the date on which the President transmits a report to the Congress. The resolution shall be referred to the Committee on Government Operations in the House and the Committee on Governmental Affairs in the Senate.

If the committee has not reported a resolution by the end of the 20-day period beginning the date the President transmits the report, the committee will be discharged from further consideration, and the resolution placed on the calendar of the House involved.

On or after the third day after the date on which the committee reported or been dis-

charged of the resolution, it is in order for any Member to move to proceed to the consideration of the resolution. Debate on the resolution shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order.

#### SEC. 7. IMPLEMENTATION OF LEGISLATIVE BRANCH RECOMMENDATIONS

Subject to Congressional disapproval by resolution, the leadership and officers of the House and Senate shall initiate and complete all the legislative branch recommendations within two years. Each body will only vote on the resolution pertaining to the recommendations relevant to that chamber's responsibilities.

The leadership and officers of the House and Senate may not carry out any of the recommendations in the relevant report if the resolution is enacted disapproving such recommendations of the Commission before the earlier of the end of the 30-day period beginning on the date on which the President transmits the report or the adjournment of Congress sine die for the session.

A resolution is required to be introduced within the 5-day period beginning on the date on which the President transmits a report under this act to the Congress. The resolution shall be referred to the Committee on House Administration in the House and the Committee on Rules in the Senate.

If the committee has not reported a resolution by the end of the 20-day period beginning the date the President transmits the report, the committee will be discharged from further consideration, and the resolution placed on the calendar of the House involved.

On or after the third day after the date on which the committee reported or been discharged of the resolution, it is in order for any Member of the respective House to move to proceed to the consideration of the resolution. Debate on the resolution shall be limited to not more than five hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order.

#### TIMETABLE

Beginning of 103rd Congress: Joint Committee on the Organization of the Congress formed.

February 1, 1993: President submits names of the national Commission members to Senate for confirmation.

January 1, 1994: Joint Committee on the Organization of the Congress files report and recommendations to the national commission.

January 1, 1994: GAO and OMB provide recommendations to the Commission.

June 1, 1994: Commission reports recommendations in a maximum of 12 separate reports, with no more than three pertaining exclusively to the legislative branch.

July 1, 1994: President accepts recommendations and sends them to Congress or returns recommendations to the Commission for further review.

July 15, 1994: If President returned recommendations, Commission can issue revised recommendations.

August 1, 1994: President either sends recommendations to the Congress or rejects them.

30-Days: If accepted by the President, the Congress then has 30 days to vote on resolution of disapproval for both executive and legislative branch findings and statutory recommendations.

S. 2532. A bill entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act"; to the Committee on Foreign Relations.

#### FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992."

This proposed legislation has been requested by the President, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the sectional analysis and the letter from the President to the Congress of the United States, which was received on April 3, 1992.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2532

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TITLE.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical and food assistance programs, and by fostering conditions that will encourage the United States business community to engage in trade and investment; and

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible.

#### SEC. 3. DEFINITION.

As used in this Act, except where the context indicates otherwise, the term "inde-

pendent states of the former Soviet Union" shall include the independent states that formerly were part of the Soviet Union. It includes Armenia, Azerbaijan, Byelorussia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan; it does not include Estonia, Latvia, or Lithuania.

#### SEC. 4. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to facilitate the integration of the independent states of the former Soviet Union into the community of democratic nations, and to make a substantial contribution to the purposes described in section 5 by building on earlier initiatives, including ongoing technical cooperation, medical and food assistance programs. In furtherance of these purposes, the United States should support economic and political reform through the provision of assistance, as well as the promotion of United States trade and investment in those states and other efforts to normalize economic relations.

(b) PROVISION OF ASSISTANCE.—In providing assistance for the independent states of the former Soviet Union, the President should take into account the extent to which such states are taking appropriate steps toward—

(1) establishment of democratic systems based on principles of the rule of law and individual freedoms;

(2) respect for internationally recognized human rights, based on full respect for the individual and including equal treatment for persons belonging to minority groups;

(3) economic reform based on market principles, the development of a substantial private sector and integration into the world economy;

(4) respect for international law and obligations, and adherence to the principles of the Helsinki Final Act and the Charter of Paris; and

(5) adherence to responsible security policies, including non-proliferation of weapons of mass destruction and non-proliferation of destabilizing conventional weapons.

#### SEC. 5. PURPOSES OF ASSISTANCE.

In furtherance of the policies described in section 4, funds authorized to be appropriated by this Act may be made available for the independent states of the former Soviet Union for the purposes of promoting democracy, encouraging free market systems, meeting urgent and other humanitarian needs, fostering demilitarization of the economy and society, defense conversion and related purposes, promoting development in such sectors as agriculture and energy, promoting bilateral trade and investment, and for such other purposes as the President deems appropriate.

#### SEC. 6. EXTRAORDINARY NATURE OF ASSISTANCE.

The Congress recognizes that—

(1) change throughout the independent states of the former Soviet Union is occurring rapidly but unevenly, and it will remain impossible to anticipate with certainty how United States assistance would best serve to facilitate the processes of political and economic reform in each of these independent states;

(2) the varying pace of reform and change from region to region will affect in ways that cannot now be anticipated how and where United States assistance can be provided most effectively;

(3) the effectiveness of United States assistance depends on efficient coordination of United States efforts with the similar activities of friendly and allied donor countries, and of international financial institutions;

By Mr. PELL (for himself and Mr. HELMS) (by request):



(4) the development and implementation of United States assistance and related programs should be carried out in a manner to promote the strengthening of United States bilateral relations with the independent states of the former Soviet Union;

(5) expanded trade and investment is the best method of promoting market reforms in the independent states of the former Soviet Union while at the same time promoting the involvement of United States businesses in the emerging private sector in those states;

(6) such trade and investment will generate strong employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin in future years to realize their enormous potential as both customers and suppliers; and

(7) the pace and unprecedented nature of events requires that the President be provided with the authority to furnish United States assistance and resources expeditiously if the United States is to be able to influence events as they occur and effectively promote the purposes of this Act.

#### SECTION 7. ASSISTANCE AND RELATED ACTIVITIES.

(a) **AUTHORITY.**—The President is authorized to furnish assistance in order to promote the purposes described in section 5, including assistance for—

(1) support for the creation and development of democratic political systems;

(2) support for the creation and development of private enterprise and free market systems, including technical assistance and training for individuals and appropriate institutions in the basics of business (such as the Special American Business Internship Training Program), public administration, commercial law, and improving understanding of how market economies function, and including support for multilateral efforts to promote macroeconomics stabilization through activities such as support for a stabilization fund or funds;

(3) creation of the conditions for expanded trade and investment, which will be crucial to the development of market economies and genuine private sectors;

(4) support for demilitarization of the society and economy of the independent states of the former Soviet Union and the conversion of defense-related industry and equipment for civilian purposes and uses, and for public and private efforts to absorb effectively defense-related industry personnel into the civilian sector;

(5) improvements in the agricultural sector, including in food distribution and transportation systems to enhance the ability of the independent states of the former Soviet Union to use their own resources to meet basic needs;

(6) promotion of investment in and increased efficiency of the energy sector, which would help the independent states of the former Soviet Union increase hard currency earnings in the medium term, as well as conservation of natural resources and other environment and ecology activities, and support for nuclear reactor safety;

(7) support in addressing emergency and other humanitarian needs of the people of the independent states of the former Soviet Union during the period of transition to a free market economy, particularly by providing technical assistance to enhance the ability of those states to meet future needs in this area;

(8) support for activities that will facilitate efforts connected with the withdrawal and relocation of military forces of the

former Soviet Union; preventing the diversion of scientific expertise of the former Soviet Union to terrorist groups or third countries; storing, transporting, safeguarding, disabling and taking other measures to prevent the proliferation of nuclear, chemical and other weapons, including in appropriate circumstances having the United States purchase or otherwise receive such weapons or related material; establishing verifiable safeguards against the proliferation of such weapons; and other efforts designed to reduce the nuclear threat from the former Soviet Union; and

(9) support for educational and cultural exchange programs between the United States and the independent states of the former Soviet Union, including support for programs of the United States Information Agency, and support for "America Houses" in key locations in such states designed as focal points for exchanges of people and information to and from the United States.

(b) **PROMOTING INVOLVEMENT OF U.S. PRIVATE SECTOR.**—It is the sense of the Congress that the private sector in the United States needs to become increasingly involved in the process of transition taking place in the independent states of the former Soviet Union if reform efforts are to succeed. Accordingly, the President should and is authorized to undertake activities designed to promote the active involvement of the United States private sector, including as appropriate through—

(1) initiatives designed to encourage small- and medium-sized businesses to become involved in the markets of those states, including as appropriate the use of trade missions and other trade promotion techniques, establishment of small- and medium-sized business consortia, the establishment of a central information clearinghouse similar in function to the Eastern Europe Business Information Center, the establishment of information networks and assistance centers including one or more American Business and Management Centers, and the activities of the Department of Commerce and the Trade and Development Program;

(2) support, which may include contributions to an endowment, for one or more Enterprise Funds that help promote United States investment in the private sector of those states, for a "Eurasia Foundation" or similar organizations to provide funds for management and economics training, democratic institution building and other technical assistance including assistance for demonstration projects by American businesses, and for mechanisms designed to enhance the ability of the independent states of the former Soviet Union to acquire the services of private United States citizens needed to help meet technical assistance needs, as well as support through programs of the Overseas Private Investment Corporation and the Department of Commerce;

(3) support, which may include contributions to an endowment, for the "Citizens Democracy Corps" or other appropriate organizations, the purposes of which include utilizing United States citizens having appropriate experience to provide assistance at all levels within the independent states of the former Soviet Union to build democratic institutions, free market economies, and the basic infrastructure of a civil society; to mobilize private United States citizens to participate in such activities; and to establish local centers or work with the "America Houses" described in subsection (a)(9) in such countries in making available logistical and information resources;

(4) technical assistance designed to help normalize economic relations and increase trade between the independent states of the former Soviet Union and the United States, including through seminars on most-favored-nation treatment of goods and services and, when appropriate, the Generalized System of Preferences; and

(5) support for efforts by those states to join or participate in international economic and financial organizations such as the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the International Monetary Fund, the International Bank for Reconstruction and Development, and the European Bank for Reconstruction and Development.

#### (c) **PROVISION OF ASSISTANCE.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the President for fiscal years 1992 and 1993 such sums as may be necessary to carry out this Act, in addition to amounts otherwise available for such purposes. Funds authorized to be appropriated by this Act are authorized to remain available until expended.

(2) **ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.**—The President should and is authorized to utilize funds made available to carry out the Foreign Assistance Act of 1961, as amended, for programs or the independent states of the former Soviet Union, including utilization of funds under chapter 1 of part I of the Act for development activities in those states consistent with the purposes of that chapter, and of funds under chapter 4 of part II of that Act. Any funds made available under chapter 4 of part II of that Act may be utilized on the same basis as funds authorized to be appropriated by paragraph (1).

(3) **APPLICATION OF AUTHORITIES UNDER THE SEED ACT.**—In furtherance of the purposes of this Act, and consistent with the provisions of section 8 of this Act, the President may authorize any United States Government agency that has authority under the Support for East European Democracy (SEED) Act of 1989 to take SEED Actions for any eligible East European country under that Act to utilize such authority, and to make available any funds available to it for activities related to international affairs outside Eastern Europe, to take comparable actions with respect to any of the independent states of the former Soviet Union. For purposes of this Act, the term "United States Government agency" shall include any agency as defined in section 644(a) of the Foreign Assistance Act of 1961.

(4) **DIRECT LOAN AND LOAN GUARANTEE AUTHORITIES.**—Funds authorized to be appropriated by this Act may be utilized to cover the costs, including the cost of modifying such loans, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees with respect to the independent states of the former Soviet Union, including loan guarantees provided consistent with the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, title IV of chapter 2 of part I of that Act, and the Export-Import Bank Act of 1945, as amended, and to cover the administrative expenses for such direct loans and loan guarantees.

(5) **DEPARTMENT OF DEFENSE ACTIVITIES.**—In recognition of the direct contributions that such activities can make to the national defense interests of the United States, the President is authorized to make available such sums as may be necessary of funds made available under sections 108 and 109 of Public Law 102-229, and of funds made avail-

able to carry out the provisions of section 23 of the Arms Export Control Act, to carry out the provisions of subsections (a)(4) and (a)(8).

(6) **AUTHORITIES.**—In order to assist in meeting the administrative costs incurred in connection with carrying out functions under this Act, of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used for administrative expenses of United States Government agencies in connection with administering programs in furtherance of the purposes of this Act. Assistance may be provided and authorities may be exercised for the purposes of this Act notwithstanding any other provision of law, including any program ceilings on loan, guarantee or insurance programs contained in the Foreign Assistance Act of 1961, as amended, or in annual foreign operations, export financing, and related programs appropriations acts. In making available funds authorized to be appropriated under this Act the President may utilize any of the authorities applicable to the provision of assistance under the Foreign Assistance Act of 1961, as amended, and to programs for which appropriations are made in annual foreign operations, export financing, and related programs appropriations acts.

(d) In recognition of the importance of establishing an effective official United States Government presence in the independent states of the former Soviet Union, of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used by the Department of State for costs of personnel and other expenses for new posts in such states.

#### SEC. 8. COORDINATION OF ACTIVITIES.

The effectiveness of United States efforts to promote a successful transition to democracy and market-oriented economies in the independent states of the former Soviet Union requires that assistance and related programs of all United States Government agencies affecting those states be carefully coordinated. At the same time, it is critical that all assistance and related efforts of United States Government agencies be coordinated with other aspects of our bilateral relations, with the assistance and related programs of other countries and institutions, and with United States foreign policy in general. Accordingly, the Congress commends the steps taken by the President to ensure effective coordination of all activities that the United States Government conducts in furtherance of the purposes of this Act.

#### SEC. 9. QUOTA INCREASE FOR INTERNATIONAL MONETARY FUND.

In recognition of the critical contribution that the activities of the International Monetary Fund can make to the purposes of this Act, the Bretton Woods Agreements Act is amended by adding at the end thereof the following new sections:

##### "SEC. 56. QUOTA INCREASE.

"The Congress endorses consent by the United States Governor of the Fund to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are appropriated in advance in appropriation Acts.

##### "SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The Congress endorses consent by the United States Governor of the Fund to the amendments to the Articles of Agreement of the Fund approved in resolution numbered 45-3 of the Board of Governors of the Fund."

#### "SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR THE RESERVE ACCOUNT OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY TRUST.

"The Congress endorses instruction by the Secretary of the Treasury of the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund."

#### SEC. 10. SUPPORT FOR MACROECONOMIC STABILIZATION.

(a) **IN GENERAL.**—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) **CURRENCY STABILIZATION.**—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

#### SEC. 11. ROLE OF INTERNATIONAL FINANCE CORPORATION.

(a) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union necessary to move toward market economies. The United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting the purposes of this Act. Accordingly, it is the sense of Congress that the President should seek to ensure that the International Finance Corporation provides an ambitious lending program for the independent states of the former Soviet Union.

(b) **AUTHORIZATION.**—The Congress endorses voting by the United States Governor of the International Finance Corporation for any increase of capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union.

#### SEC. 12. COCOM RESTRICTIONS.

The Congress commends recent efforts that have resulted in a substantial reduction of the number of items the export of which is restricted under COCOM procedures. It is the sense of the Congress that efforts to reduce the number of items the export of which is restricted under COCOM procedures should be continued as an important step in further facilitating expanded trade and investment between the United States and the independent states of the former Soviet Union.

#### SEC. 13. ESTABLISHMENT OF SCIENCE AND TECHNOLOGY CENTERS.

It is the sense of the Congress that the President should initiate negotiations for the establishment in Ukraine of a center, similar to the center presently contemplated

for Russia, for the purpose of promoting science and technology projects for non-military purposes. Such a center would minimize incentives for weapons scientists and engineers of the former Soviet Union, and particularly scientists and engineers previously involved in the design and production of nuclear, biological, and chemical weapons, and other weapons of mass destruction, to engage in activities that could contribute to proliferation of such weapons by supporting the activities for peaceful purposes of such scientists and engineers. It is the further sense of the Congress that the President should utilize the authorities described in sections 7(a)(4) and 7(a)(8) of this Act to make available appropriate support for such a center.

#### SEC. 14. STATUTORY LISTS OF COMMUNIST COUNTRIES AND SOVIET-SPECIFIC RESTRICTIONS.

(a) **FOREIGN ASSISTANCE ACT OF 1961.**—Section 620(f)(1) of the Foreign Assistance Act of 1961 is amended by striking from the list at the end thereof "Czechoslovak Socialist Republic," "Estonia," "German Democratic Republic," "Hungarian People's Republic," "Latvia," "Lithuania," "People's Republic of Albania," "People's Republic of Bulgaria," "Polish Peoples Republic," "Socialist Federal Republic of Yugoslavia," "Socialist Republic of Romania," and "Union of Soviet Socialist Republics (including its captive constituent republics)."

(b) **EXPORT-IMPORT BANK ACT OF 1945.**—The Export-Import Bank Act of 1945 is amended in section 2(b)(2)(B)(ii), by striking from the list at the end thereof "Czechoslovak Socialist Republic," "Estonia," "German Democratic Republic," "Hungarian People's Republic," "Latvia," "Lithuania," "People's Republic of Albania," "People's Republic of Bulgaria," "Polish Peoples Republic," "Socialist Federal Republic of Yugoslavia," "Socialist Republic of Romania," and "Union of Soviet Socialist Republics (including its captive constituent republics)."

(c) **SPECIAL RESTRICTIONS ON PERSONS INVOLVED IN LEGAL COMMERCIAL TRANSACTIONS.**—Section 951(e)(2) of Title 18, United States Code, is amended by striking out "the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Romania, or".

(d) **OTHER OBSOLETE PROVISIONS.**—Upon concluding that doing so is in the national interest of the United States, the President may waive the application with respect to any of the independent states of the former Soviet Union of any provision of law that would have restricted the eligibility of the Soviet Union, by name, or by virtue of actions or obligations of the Soviet Union as it existed prior to December 25 1991, and that might otherwise be construed, to apply to such republic or republics, with respect to any program, benefit or other treatment. This subsection shall not be construed as authorizing waivers of the provisions of Title IV of the Trade Act of 1974, as amended.

#### SEC. 15. ADDITIONAL STATUTORY PROVISIONS.

(a) **OVERSEAS PRIVATE INVESTMENT CORPORATION.**—Section 234(g)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" and inserting a comma in lieu thereof"; and

(2) inserting ", and the independent states of the former Soviet Union" after the word "Act".

(b) **AMENDMENT TO FOOD SECURITY ACT OF 1985.**—Section 1110(b) of the Food Security Act of 1985 is amended by—

(1) striking out "or cooperatives" and inserting in lieu thereof "cooperatives, or other private entities"; and



(2) inserting after "such countries" the phrase ", including the independent states of the former Soviet Union."

(c) **FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.**—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) in subsection (b), by inserting ", services, and agricultural goods and materials" after the word "facilities";

(2) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(3) by amending subsection (d)(1)(D) to read as follows:

"(4) **TECHNICAL ASSISTANCE.**—The President is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations, or to carry out the opportunities and projects identified under, paragraph (1)(A)."

(d) **OTHER PROVISIONS APPLICABLE TO AGRICULTURE PROGRAMS.**—

(1) **FOOD SECURITY ACT OF 1985.**—The ceiling limitation contained in section 1110(g) of the Food Security Act of 1985 shall not apply with respect to commodities furnished from stocks of the Commodity Credit Corporation during fiscal years 1992 and 1993 to the independent states of the former Soviet Union.

(2) **AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.**—For fiscal years 1992 and 1993, the ceiling limitation contained in section 202(e)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended, shall not apply with respect to programs for the independent states of the former Soviet Union. Any funds made available under that Act may be made available under section 202(e)(1) to assist private voluntary organizations and cooperatives in establishing new food assistance programs for those states under provisions of law other than title II of that Act, as well as for the purposes described in paragraphs (A) and (B) of that section.

(3) **AGRICULTURAL TRADE ACT OF 1978.**—The Secretary of Agriculture, in carrying out his responsibilities under section 202(f) of the Agriculture Trade Act of 1978, shall take into account the major economic reforms that have been and are occurring in the independent states of the former Soviet Union and the substantial enhancement in the international financial standing of those states to which such reforms can be expected to lead, as well as the contribution that guarantee programs of the Commodity Credit Corporation for these states can be expected to make in these circumstances to the purposes described in sections 202(c) and 202(d) of that Act, with a view toward maintaining a substantial guarantee program to promote the export of United States agricultural commodities in those states.

(e) **RESTRICTIONS ON IMPORTS FROM THE SOVIET UNION.**—To the extent consistent with Title IV of the Trade Act of 1974, as amended, the President is authorized and encouraged to exempt any of the independent states of the former Soviet Union from any statutory or regulatory restrictions on the importation of goods and services into the United States, to the extent that such restrictions are more stringent with respect to goods and services of such states than restrictions applicable to like goods and services of other friendly countries in similar circumstances.

(f) **IMET PROGRAMS.**—It is the sense of the Congress that the President should utilize funds made available for chapter 5 of part II of the Foreign Assistance Act of 1961 to provide education and training that is designed

to foster greater respect for and understanding of the principle of civilian control of the military in the independent states of the former Soviet Union.

(g) **PERSONNEL AUTHORITIES.**—In addition to any other authorities available to them, United States Government agencies carrying out programs in furtherance of the purposes of this Act may employ United States citizens or organizations by contract for services abroad, and individuals so employed shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the President may determine the applicability to such individuals of any law concerning the employment of individuals abroad, including the Federal Torts Claim Act.

#### SECTIONAL ANALYSIS OF THE FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 would authorize the President to provide critical support for the economic and political transformation taking place in the independent states of the former Soviet Union.

##### Section 1—Title.

This section entitles the bill the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

##### Section 2—Findings.

This section sets forth a series of findings that emphasize the opportunities created by recent events in the independent states of the former Soviet Union for a transition to a peaceful and stable international order and the integration of those states into the community's interest in a successful transition, and the special role that the United States can play because of its heritage and traditions in contributing to this transition. The section also sets forth that failure to meet these opportunities could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible.

##### Section 3—Definition.

This section defines the phrase "independent states of the former Soviet Union" as used in this Act. It includes any state established on the territory of the former Soviet Union, but does not include Estonia, Latvia, or Lithuania.

##### Section 4—Policy.

Subsection (a) sets forth that United States policy should, among other things, facilitate integration of the independent states of the former Soviet Union into the community of democratic nations and support economic and political reform through the provision of assistance, as well as the promotion of United States trade and investment in these states and other efforts to normalize economic relations.

Subsection (b) sets forth several considerations that the President should take into account in providing assistance, including establishment of democratic systems; respect for internationally recognized human rights; economic reform; respect for international law and obligations, and adherence to the principles of the Helsinki Final Act and the Charter of Paris; and adherence to responsible security policies.

##### Section 5—Purposes of Assistance.

This section states that funds authorized to be appropriated by this Act may be made

available for the independent states of the former Soviet Union in furtherance of the policies described in section 4 for the purposes of promoting democracy, encouraging free market systems, meeting urgent and other humanitarian needs, fostering demilitarization of the society and economy, defense conversion and related purposes, promoting development in such sectors as agriculture and energy, promoting bilateral trade and investment, and for such other purposes as the President deems appropriate.

##### Section 6—Extraordinary Nature of Assistance.

This section highlights the extraordinary circumstances surrounding the need for assistance under this Act, and the need in light of these circumstances to ensure that the United States is in a position to furnish United States assistance and resources expeditiously if it is to be able to influence events as they occur and effectively promote the purposes of this Act.

##### Section 7—Assistance and Related Activities.

Subsection (a) authorizes the President to furnish assistance in order to promote the objectives described in section 5, including assistance for support for the creation and development of democratic political systems, and of private enterprise and free market systems (including support for multilateral efforts to promote macroeconomic stabilization through activities such as support for a stabilization fund or funds), creation of the conditions for expanded trade and investment, demilitarization of the society and economy, conversion of defense-related industry and equipment for civilian purposes and uses, and public and private efforts to absorb effectively defense-related industry personnel into the civilian sector, improvements in the agriculture sector, including in food distribution and transportation systems, promotion of investment in and increased efficiency of the energy sector as well as conservation of natural resources and other environment and ecology activities and support for nuclear reactor safety, addressing emergency and other humanitarian needs, activities that will facilitate efforts connected with the withdrawal and relocation of military forces of the former Soviet Union as well as nonproliferation and related efforts (including in appropriate circumstances having the United States purchase, or receive without cost, such weapons or related material), and educational and cultural exchange programs.

Subsection (b) sets forth the sense of the Congress concerning promoting involvement of the United States private sector in the process of transition taking place in the independent states of the former Soviet Union and authorizes the President to undertake activities designed to promote the active involvement of the private sector. These activities include:

Initiatives designed to encourage involvement of small- and medium-sized businesses in the markets of those states;

Support (including in the form of contributions to an endowment, in which circumstances the organization would—as under section 201(h) of the Support for East European Democracy (SEED) Act of 1989 with respect to Enterprise Funds for Poland and Hungary—be able to retain and use for program purposes interest earned on funds received as grants) for one or more Enterprise Funds that help promote United States investment in the private sector, for a Eurasia Foundation or similar organizations to provide funds for management and economic

ics training, democratic institution building, and other technical assistance, and for mechanisms designed to enhance the ability of the independent states of the former Soviet Union to acquire the services of private United States citizens needed to help meet technical assistance needs;

Activities and programs of the Department of Commerce, the Overseas Private Investment Corporation and the Trade and Development Program;

Support for the "Citizens Democracy Corps" or other appropriate organizations as described in the provision;

Technical assistance designed to help normalize economic relations and increase trade between the independent states of the former Soviet Union and the United States; and

Support for efforts by those states to participate in certain international economic and financial organizations.

Subsection (c)(1) authorizes to be appropriated to the President such sums as may be necessary to carry out this Act, in addition to amounts otherwise available for such purposes.

Subsection (c)(2) authorizes the President to utilize funds made available to carry out the Foreign Assistance Act of 1961, as amended, for programs for the independent states of the former Soviet Union, and specifies that any such funds that are made available under chapter 4 of part II of that Act may be utilized on the same basis as funds authorized to be appropriated under paragraph (1).

Subsection (c)(3) authorizes any United States Government agency that has authority under the Support for East European Democracy (SEED) Act of 1989 to take SEED Actions for any eligible East European country under that Act to utilize such authority to take comparable actions with respect to any of the independent states of the former Soviet Union. A definition of the phrase "SEED Actions" is set forth in section 2(c) of the Support for East European Democracy (SEED) Act of 1989, and the subsection specifies that the phrase "United States Government agency" is intended to have the same meaning as the phrase "Agency of the United States Government" in section 644(a) of the Foreign Assistance Act of 1961. Under this subsection, agencies may utilize funds available to them for activities related to international affairs outside Eastern Europe in order to fund activities under this section. This exception for Eastern Europe is intended to help ensure that funding for programs for the independent states of the former Soviet Union not come at the expense of programs for the countries of Eastern Europe (including the Baltic countries of Estonia, Latvia and Lithuania).

Subsection (c)(4) authorizes utilization of funds authorized to be appropriated by this Act to cover the subsidy cost and administrative expenses for any direct loans or loan guarantees. Loans or guarantees could be provided in connection with this authority in a variety of ways. For instance, they could be provided directly under the authority of this paragraph; in connection with the general authority under the Foreign Assistance Act to provide assistance on such terms as may be best suited to the achievement of the purposes of that Act; or in connection with the authority to furnish assistance under chapter 4 of part II of that Act "on such terms and conditions as [the President] may determine, in order to promote economic stability." Alternatively, funds could be utilized in the same manner as under ongoing loan, guarantee and insurance pro-

grams such as those conducted by the Overseas Private Investment Corporation and the Export-Import Bank.

Subsection (c)(5) supplements the authority of the President to utilize funds made available under section 108 and 109 of Public Law 102-229 by making them available to carry out the provisions of section 7(a)(4) and section 7(a)(8), relating to efforts described above in such areas as nonproliferation, withdrawal and relocation of military forces of the former Soviet Union, demilitarization and defense conversion. This subsection also authorizes the use of foreign military financing (FMF) funds appropriated to carry out the provisions of section 23 of the Arms Export Control Act for these same types of activities. In combination with the authority contained in the following subsection, described below, FMF funds could be utilized for providing such activities notwithstanding any other provision of law, and thus the purpose for which such activities might be undertaken would not need to fall within the categories described in section 4 of that Act, nor would there be a requirement to find the independent states of the former Soviet Union eligible for arms sales before proceeding.

Subsection (c)(6) contains a series of general authorities. First, it authorizes use of funds authorized to be appropriated by this Act for administrative expenses of United States Government agencies in connection with administering programs in furtherance of the purposes of this Act. Second, it provides that assistance may be provided and authorities may be exercised for the purposes of this Act notwithstanding any other provision of law. It thus for instance would permit the use of funds appropriated under subsection (c)(1) or economic support funds made available under subsection (c)(2) notwithstanding any other provision of law; would permit the use of funds for Overseas Private Investment Corporation (OPIC) and Export-Import Bank loan, guarantee and insurance programs under subsection (c)(4) notwithstanding otherwise applicable program ceilings on their activities (including for example limitations on maximum contingent liability contained in sections 235(a)(1) and (2) of the Foreign Assistance Act of 1961 and limitations on commitments to guarantee loans contained in section 235(a)(2) of that Act); would as already indicated permit under subsection (c)(5) the use of funds made available to carry out the foreign military financing program for assistance described under subsections (a)(4) and (a)(8) without regard to the restrictions otherwise applicable to such funds; and would permit the taking of actions authorized under this or other sections of the Act notwithstanding such provisions. Finally, this subsection provides that in making available funds appropriated under this Act, the President may utilize any of the authorities applicable to the provision of assistance under the Foreign Assistance Act of 1961, as well as any of the authorities applicable to programs for which appropriations are made in annual foreign operations, export financing, and related programs appropriations acts (including as an example Peace Corps programs).

Subsection (d) contains a statement regarding the importance of establishing an effective official United States Government presence in the independent states of the former Soviet Union. It provides that of the funds authorized to be appropriated by this Act, such sums as may be necessary may be used by the Department of State for costs of personnel and other expenses for new posts in such states.

#### Section 8—Coordination of Activities.

This section stresses the need for careful coordination of all United States assistance and related programs for the independent states of the former Soviet Union among United States Government agencies and with the efforts of other countries and institutions. In this connection, the President issued a comprehensive statement regarding coordination within the Executive branch on December 12, 1991. The subsection commends the steps taken by the President to ensure effective coordination of all activities that the United States Government conducts in furtherance of the purposes of this Act.

#### Section 9—Quota Increase for International Monetary Fund.

This section amends the Bretton Woods Agreements Act in recognition of the critical contribution that the activities of the International Monetary Fund can make to the purposes of this Act. The section provides for an increase in the quota of the United States in the International Monetary Fund, subject to appropriations, as previously requested by the Administration. At the same time, it provides for acceptance of certain amendments to the Fund's Articles of Agreement that would allow the Fund to suspend a member's voting rights if that member, having been declared ineligible to use the Fund's general resources because it failed to fulfill obligations under the Articles, persists in its failure to fulfill its obligations; and contains a related provision regarding the sale of certain of the Fund's gold. The amendment and the gold pledge are integral parts of the strengthened arrears strategy, which was in turn adopted as an integral part of the arrangements concerning the quota increase to ensure that the Fund's monies are utilized wisely. The quota increase resolution that was approved by the Fund's Board of Governors provides that the quota increase cannot become effective without approval of the amendments described above to the Articles of Agreement.

#### Section 10—Support for Macroeconomic Stabilization.

Subsection (a) states that, in order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

In furtherance of the purposes and consistent with the conditions described in subsection (a), subsection (b) expresses congressional support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

#### Section 11—Role of International Finance Corporation.

Subsection (a) expresses the sense of the Congress with regard to the role of the International Finance Corporation (IFC), and expresses the sense of the Congress that the President should seek to ensure that the IFC provides an ambitious lending program for the independent states of the former Soviet Union.

Subsection (b) constitutes the authorization contemplated under section 5 of the International Finance Corporation Act for the United States to vote for any increase in the capital stock of the International Fi-



nance Corporation needed to accommodate the requirements of the independent states of the former Soviet Union.

#### Section 12—COCOM Restrictions.

This section commends recent efforts that have resulted in a substantial reduction of the number of items the export of which is restricted under COCOM procedures, and states the sense of the Congress that efforts to reduce the number of items the export of which is restricted under COCOM procedures should be continued as an important step in further facilitating expanded trade and investment between the United States and the independent states of the former Soviet Union.

#### Section 13—Establishment of Science and Technology Centers.

This section states the sense of the Congress that the President should initiate negotiations for the establishment of a Science and Technology Center in Ukraine, similar to the center presently contemplated for Russia.

#### Section 14—Statutory lists of communist countries and Soviet-specific restrictions.

Subsections (a), (b) and (c) delete the Soviet Union and Eastern European countries from the statutory communist country lists contained in the Foreign Assistance Act of 1961 and the Export-Import Bank Act of 1945, as well as the provisions governing registration of foreign agents representing these countries in certain legal commercial matters.

Subsection (d) authorizes the President, upon concluding that doing so is in the national interest, to waive the application with respect to any of the independent states of the former Soviet Union of provisions of law that would have restricted the eligibility of the Soviet Union, by name, or by virtue of actions or obligations of the Soviet Union as it existed prior to December 25, 1991, and that might otherwise be construed to apply to such republic or republics, with respect to any program, benefit or other treatment. The provision thus recognizes that statutory provisions enacted in an earlier era to prohibit certain activities with respect to the Soviet Union should no longer necessarily apply with respect to the independent states of the former Soviet Union, and that in many cases it will not make sense to apply restrictions to the independent states that arise because of actions or obligations for which the Soviet Union was responsible. In some cases such statutory provisions might be deemed inapplicable to the independent states as a matter of statutory interpretation of the particular provision involved, but even in such cases a mechanism that allows for a specific waiver will be useful in clarifying situations about which there might otherwise be doubt. Among the statutory provisions to which this authority would apply are the Byrd and Stevenson Amendments, each of which specifically names the Soviet Union, and the Johnson Debt Default Act, which applied by virtue of actions or obligations in connection with the renunciation of debt by the former Soviet Union. A specific exception provides that the authority of this provision cannot be used to waive the provisions of Title IV of the Trade Act of 1974, which includes the Jackson-Vanik Amendment.

#### Section 15—Additional statutory provisions.

Subsection (a) amends section 234 of the Foreign Assistance Act to make the independent states of the former Soviet Union eligible for the OPIC pilot equity program. Subsections (b), (c), and (d) contain a series

of provisions allowing greater flexibility in Department of Agriculture programs for the independent states of the former Soviet Union. Subsection (d)(3) states that the Secretary of Agriculture, in carrying out his responsibilities under section 202(f) of the Agricultural Trade Act of 1978, shall take into account the major economic reforms that have been and are occurring in the independent states of the former Soviet Union and the substantial enhancement in the international financial standing of those states to which such reforms can be expected to lead, as well as the contribution that guarantee programs of the Commodity Credit Corporation for these states can be expected to make in these circumstances to the purposes described in sections 202(c) and 202(d) of that Act, with a view toward maintaining a substantial guarantee program to promote the export of United States agricultural commodities in those states.

Subsection (e) provides authority for the President to exempt where appropriate the independent states of the former Soviet Union from certain statutory or regulatory restrictions on the importation of goods and services into the United States, though not from the provisions of Title IV of the Trade Act of 1974.

Subsection (f) expresses the sense of the Congress that the President should utilize funds made available for the International Military Education and Training (IMET) program to provide education and training that is designed to foster greater respect for and understanding of the principle of civilian control of the military in the independent states of the former Soviet Union.

Subsection (g) relates to personnel services contracting authority. Several United States Government agencies have the authority to enter into personal services contracts (PSCs) with United States citizens abroad. The extension of the authority to hire United States citizens under PSCs to all agencies when carrying out programs in furtherance of the purposes of this Act would have at least three beneficial effects: (1) it would enable them to hire from the pool of talent among Mission dependent spouses, who often have advanced university degrees and practical skills of great value, and other qualified in-country United States citizens; (2) it would enable them to cover unexpected staff vacancies immediately by taking advantage of spouse security clearances; and (3) by cutting back on part-time intermittent appointments, it would avoid the need to draw against the agencies' employment ceilings to handle new responsibilities. This section would permit the United States Information Agency, for example, to hire spouses or United States students in country to participate in the wide-ranging activities of America Houses in the independent states of the former Soviet Union.

#### To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (the FREEDOM Support Act of 1992). Also transmitted is a section-by-section analysis of the proposed legislation.

I am sending this proposal to the Congress now for one urgent reason: With the collapse of the Soviet Union, we face an unprecedented historical opportunity to help freedom flourish in the new, independent states that have replaced the old Soviet Union. The success of democracy and open markets in these states is one of our highest foreign pol-

icy priorities. It can help ensure our security for years to come. And the growth of political and economic freedom in these states can also provide markets for our investors and businesses and great opportunities for friendship between our peoples.

While this is an election year, this is an issue that transcends any election. I have consulted with the congressional leadership and have heard the expressions of support from both sides of the aisle for active American leadership. I urge all Members of Congress to set aside partisan and parochial interests.

Just as Democrats and Republicans united together over 40 years to advance the cause of freedom during the Cold War, now we need to unite together to win the peace, a democratic peace built on the solid foundations of political and economic freedom in Russia and the other independent states.

This proposal gives me the tools I need to work with the international community to help secure the post-Cold War peace. It provides a flexible framework to cope with the fast-changing and unpredictable events transforming Russia, Ukraine, Armenia, and the other states. This proposal will allow us to:

- Mobilize fully the executive branch, the Congress, and the private sector to support democracy and free markets in Russia and the other independent states of the former Soviet Union;
- Address comprehensively the military, political, and economic opportunities created by the collapse of the Soviet Union, targeting our efforts and sharing responsibilities with others in the international community; and
- Remove decisively the Cold War legislative restrictions that hamstring the Government in providing assistance and impede American companies and businesses from competing fairly in developing trade and investment with the new independent states.

Passage of this proposal will enable the United States to maintain its leadership role as we seek to integrate Russia and the other new independent states into the democratic family of nations. Without the tools this proposal provides, our policy of collective engagement will be constrained, our leadership jeopardized.

This proposal has 10 key elements:

First, this proposal provides the necessary flexibility for the United States to extend emergency humanitarian assistance to Russia and the other new independent states.

Emergency humanitarian assistance will help the peoples of the former Soviet Union to avoid disaster and to reduce the danger of a grave humanitarian emergency next winter. In this endeavor, the United States will not go it alone but will continue to work closely with the international community, a process we initiated at the Washington Coordinating Conference in January and will continue in the months ahead in regular conferences with our allies. By dividing our labors and sharing our responsibilities, we will maximize the effects of our efforts and minimize the costs.

Second, this proposal will make it easier for us to work with the Russians and others in dealing with issues of nuclear power safety and demilitarization. This proposal broadens the authority for Department of Defense monies appropriated last fall for weapons destruction and humanitarian transportation to make these funds, as well as foreign military financing funds, available for non-proliferation efforts, nuclear power safety, and demilitarization and defense conversion.

Third, technical assistance can help the Russians and others to help themselves as they build free markets. Seventy years of totalitarianism and command economics prevented the knowledge of free markets from taking a firm hold in the lands of Russia and Eurasia. By providing know-how, we can help the peoples and governments of the new independent states to build their own free market systems open to our trade and investment. It will also allow agencies authorized to conduct activities in Eastern Europe under the "Support for East European Democracy (SEED) Act of 1989" to conduct comparable but separate activities in the independent states of the former Soviet Union. Through organizations such as a Eurasia Foundation, we will be able to support a wide range of technical assistance efforts.

Fourth, this proposal will allow us to significantly expand our technical assistance programs that facilitate democratization in the new states, including our expanding rule of law program. It will authorize support for programs such as "America Houses." It also provides support for expanded military-to-military programs with Russia and the other new independent states to cultivate a proper role for the military in a democratic society.

Fifth, this proposal provides a clear expression of bipartisan support to continue to extend Commodity Credit Corporation Credit guarantees to Russia and the other new independent states in light of the progress they are making toward free markets. As they overcome their financial difficulties, we should take into account their commitment to economic freedom in providing credit guarantees that will help feed their peoples while helping American farmers.

Sixth, for American business, this proposal expands authority for credit and investment guarantee programs such as those conducted by the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. It will allow us to waive statutory ceilings on credit guarantee programs of the Export-Import Bank Act and other agencies that applied to the Soviet Union and the restrictions of the Johnson Debt Default Act on private lending. In this way, it will expand U.S. exports to and investment in Russia and the other new independent states.

Seventh, this bill will facilitate the development of the private sector in the former Soviet Union. This bill removes Cold War impediments while promoting outside investment and enhanced trade. It will also allow waiver of restrictions on imports from the independent states of the former Soviet Union beyond those applied to other friendly countries. It will support efforts to further ease Coordinating Committee (COCOM) restrictions on high technology. The bill will also allow the establishment of Enterprise Funds and a capital increase for the International Financial Corporation.

Eighth, this proposal will allow the United States to work multilaterally with other nations and the international financial institutions toward macroeconomic stabilization. At the end of World War II, the United States stood alone in helping the nations of Western Europe recover from the devastation of the war. Now, after the Cold War, we have the institutions in place—the International Monetary Fund (IMF) and the World Bank—that can play a leading role in supporting economic reform in Russia and Eurasia.

Therefore, this proposal endorses an increase in the IMF quota for the United States. This will help position the IMF to support fully a program of macroeconomic

stabilization. I request the Congress to pass both the authorization and appropriations necessary for this purpose.

Ninth, this proposal endorses a significant U.S. contribution to a multilateral currency stabilization fund. Working with the international financial institutions and the other members of the G-7, we are putting together a stabilization fund that will support economic reform in Russia and the other independent states.

Tenth, this proposal provides for an expanded American presence in Russia and the other new independent states, facilitating both government-to-government relations and opportunities for American business. Through organizations such as the Peace Corps and the Citizens Democracy Corps, we will be able to put a large number of American advisors on the ground in the former Soviet Union.

In sending this authorization legislation to the Congress, I also request concurrent action to provide the appropriations necessary to make these authorizations a reality. In order to support fully multilateral efforts at macroeconomic stabilization, I urge the Congress to move quickly to fulfill the commitment of the United States to the IMF quota increase. And I urge prompt enactment of the appropriations requests for the former Soviet Union contained in the Fiscal Years 1992 and 1993 Budget requests presently before the Congress.

I call upon the Congress to show the American people that in our democratic system, both parties can set aside their political differences to meet this historic challenge and to join together to do what is right.

On this occasion, there should be only one interest that drives us forward: American's national interest.

GEORGE BUSH.

THE WHITE HOUSE, April 3, 1992.

By Mr. INOUE (for himself, Mr. AKAKA, Mr. ADAMS, Mr. DIXON, Mr. DODD, Mr. MURKOWSKI, Mr. STEVENS, and Mr. SEYMOUR):

S. 2533. A bill to amend the Earthquake Hazards Reduction Act of 1977 to encourage implementation of research results, to protect life and property, and to facilitate the provision of insurance against the risk of catastrophic earthquakes and volcanic eruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### EARTHQUAKE AND VOLCANIC ERUPTION HAZARD REDUCTION ACT

• Mr. INOUE. Mr. President, today, I rise to introduce the Earthquake and Volcanic Eruption Hazard Reduction Act. I am joined by Senators AKAKA, ADAMS, DIXON, DODD, MURKOWSKI, STEVENS, and SEYMOUR as original cosponsors of my bill.

The purpose of this legislation is to reduce losses arising from future earthquakes and volcanic eruptions, and to make insurance against such disasters widely available and affordable to the general public. This legislation is based upon H.R. 2806, introduced last year by Representative SWIFT. However, my measure expands insurance coverage to include fires associated with volcanic eruptions. Some insurance companies on the Island of Hawaii refuse to pro-

vide coverage for damage resulting from fires caused by volcanic lava flows. Consequently, many homeowners on the Island of Hawaii are unable to obtain insurance to protect themselves from possible losses.

In the absence of an adequate system for insuring against such losses, victims of earthquake and volcanic eruption must rely upon various forms of disaster assistance. Unfortunately, there are several widely recognized problems plaguing disaster assistance programs. According to a Senate Commerce Committee report entitled "Earthquake Insurance: Problems and Options" (Senate Report 99-220) disaster assistance programs: First, are costly to the Federal Government and taxpayers; second, in effect subsidize disaster losses, and thus creates problems in seeking disaster assistance relief; third, do not provide adequate assistance to all victims; fourth, are inequitable; and fifth, do not allow people to choose the amount of protection they desire.

There are two insurance programs established under this legislation. First, the bill creates a State-oriented earthquake and volcanic eruption hazard reduction program of incentives and phased-in requirements.

Second, the bill creates two separate but similar insurance programs which, in conjunction with the private sector, prefunds natural disaster assistance. Both insurance programs will be managed by the Federal Emergency Management Agency and include: First, a primary insurance program supported by homeowner-paid premiums to cover residential losses resulting from earthquake, or volcanic eruption, including fire associated with a volcanic eruption; and second, an excess reinsurance program supported by industry-paid premiums to cover most insured damages resulting from a catastrophic earthquake or volcanic eruption.

Under the Hazard Reduction Program, the Federal Emergency Management Agency (FEMA), in consultation with existing hazard reduction programs and an advisory committee, is required to develop Federal hazard reduction criteria standards. Such criteria will include building codes, land-use planning, and seismic strengthening of existing structures. Upon approval and implementation of the reduction criteria, earthquake-prone and volcanic-prone States have 2 years to minimally comply with the relevant mitigation measures of the Federal standards.

Further, a self-sustaining mitigation fund, which consists of insurance premiums, would be established to assist states with its compliance efforts. Additional education and technical support efforts are also authorized under this bill, to be paid from the fund.

In addition, an earthquake-prone State or volcanic eruption-prone State



will be penalized if it fails to certify compliance of the Federal hazard reduction criteria. States could not qualify for federally backed mortgages, unless the homeowner voluntarily takes steps to mitigate damages from future earthquakes or volcanic eruptions.

The bill also provides insurance incentives such as lower deductibles and premiums for homes that meet the seismic standards in earthquake-prone States, as well as lower premiums for new residential property not constructed in volcanic zones for volcanic eruption-prone States.

The other components of this measure are the insurance programs. The primary insurance program extends coverage to residential property which includes one to four family residential dwellings, and the contents of condominiums, cooperatives, and apartment structures. FEMA would set the coverage limits, variable deductibles, and the insurance rates. Premiums would be actuarial to cover the frequency and severity of the earthquake risk over an extended period, and the rates would vary by geographic zones to minimize cross-subsidization. Premiums would be collected by private insurers and remitted to a Federal trust fund, which would be off-budget and tax-exempt. Insurers would process the claims and pay for the losses arising from earthquake and volcanic eruption disasters. The Federal trust fund would reimburse the insurers from the moneys in the tax-exempt fund. In the event the fund is insufficient to pay all losses, the shortfall would be made up by borrowing from the U.S. Treasury. Insurers would also contribute 10 percent to make up any shortfall. This Government borrowing and industry cost-sharing would be repaid with interest from future premiums.

The excess reinsurance program requires insurers participating in the primary insurance program to purchase the reinsurance coverage offered under the excess reinsurance program. The reinsurance program would be available for many lines of coverage, including fire, workers compensation, business interruption, burglary and theft, homeowners, multiple peril, and other liabilities resulting from earthquakes and volcanic eruptions. FEMA would set the reinsurance premiums which are based upon actuarial principles. The premiums collected by the Federal Government would be maintained in a tax-exempt fund—separate from that of the primary insurance program—and would be used to pay losses should the excess reinsurance program become activated. The Federal borrowing authority is authorized to cover deficits in the excess reinsurance program with provisions for repayment from future reinsurance premiums. For the insurance industry to qualify for reinsurance payments, a catastrophic earthquake or volcanic eruption must result

in at least \$10 billion worth of insured losses. The Federal Government is liable to an individual insurer or reinsurer for 95 percent of the qualifying losses once the reinsurance coverage is activated.

Mr. President, this legislation is a reasonable means of providing affordable insurance against earthquake and volcanic eruption losses. I urge my colleagues to support this measure.

• Mr. SEYMOUR. Mr. President, I am pleased to join today with the distinguished senior Senator from Hawaii, [Mr. INOUE] and a number of my colleagues in introducing the Earthquake and Volcanic Eruption Hazard Reduction Act.

Few residents of California's bay area will ever forget where they were or what they were doing on the evening of October 17, 1989. Baseball fans everywhere were tuning their televisions set to game 3 of the World Series when, at 5:04 p.m. a major earthquake struck. The Loma Prieta earthquake was the largest to hit a major population center in the United States in decades. It opened America's eyes to the very real and destructive forces of earthquakes.

To put the Loma Prieta earthquake in perspective, it was about the same magnitude as the December 1988 Armenian earthquake that killed over 25,000. The California toll was much lower thankfully due to better building construction and earthquake resistant provisions in the building code. I raise this issue to point out that much of the damage and loss of life in the Loma Prieta earthquake was a result of structural damage.

Few people realize that the Loma Prieta earthquake was only rated moderate to large by the U.S. Geological Survey. In other words, Mr. President, the big one is still out there; experts predict it will occur within the next 30 to 40 years and be as much as 30 times more powerful than Loma Prieta. It is estimated that a very large earthquake near an urban area could cause as much as \$50 billion in insured losses, leading to failure in the marketplace.

Let me point out as well, that the likelihood of such an earthquake occurring east of the Mississippi is quite high. This is not an issue for California alone, but one for States along the New Madrid Fault like Missouri and Illinois and other States along the east coast from South Carolina to New York to name but a few.

The legislation we are introducing is not a cure-all to the myriad of problems and the pain and suffering that inevitably result from earthquakes of such a magnitude. This bill, however, will begin a long-overdue dialogue toward the development of workable and cost-effective loss mitigation programs. Moreover, it is the starting point to the establishment of a broad-based nationwide earthquake insurance program. It is important to recognize

that the earthquake insurance program created through this bill will be self-supporting with no financial liability to the Federal Government.

Mr. President, as a Californian, I have witnessed firsthand the tremendous destructive forces of earthquakes. We must do all that we can to be prepared before the next one strikes. This legislation can help us to accomplish this goal.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 2535. A bill to amend the National School Lunch Act to modify the minimum nutritional requirements for school lunches, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### NATIONAL SCHOOL LUNCH ACT AMENDMENTS

• Mr. INOUE. Mr. President, I rise to amend the National School Lunch Act to improve upon the nutritional requirements for school lunches. My bill requires the Secretary of Agriculture to provide lunches under the School Lunch Program that meet the current dietary guidelines for Americans, utilize nutritive values of foods in defining school lunch patterns, and encourage the use of locally produced foods.

While our current laws may imply that the National School Lunch Program is consistent with the dietary guidelines for Americans, my measure makes compliance explicit. Further, compliance may or may not be the case if school lunch patterns are derived through the use of food components. This latter concept served its purpose when the National School Lunch Program was initiated. However, the concept is today outdated, in light of the tremendous strides made in the nutritional sciences since the inception of the School Lunch Program. Specifically, I refer to the nutritive value information contained in the current edition of the United States Department of Agriculture's Agriculture Handbook No. 8. This data reflects the increasing information available on nutrients and food products, and serves as a more appropriate and up-to-date basis for defining school lunch patterns.

In all candor, I was shocked to learn that there is more accuracy and precision in the formulation of rations for livestock using the advances in nutritional sciences than there is in formulating our children's school lunch patterns derived from the use of food components. Additionally, the present use of food components can and does preclude the use of lesser known foods, even though the latter may surpass the nutritional content of some of the more standard foods. These less commonly used foods are often those produced locally and are not in the mainstream of the American diet.

In Hawaii, there are numerous instances where locally grown foods are high in nutritive content, and are pre-

ferred to the more standard foods. For example, some of the tropical fruit juices fall in this category. Guava juice is highly nutritious and compares favorably with juices commonly used in the School Lunch Program. Guava juice, and Guava-blend juice, are also well known by Hawaii's children and often the juice of preference. Unfortunately, the food component approach precludes the use of guava juice to partially meet the fruit requirement because guava juice is never used at full or even half strength. It is always served in a diluted form. Even in this form, the nutritional content is on a par with more commonly used juices. Yet, given the imprecise nature of food components, guava juice in its preferred serving form is not allowed.

Precluding the use of these locally produced foods denies flexibility to School Lunch Program managers and also denies our children of foods that are nutritious, familiar, and in some cases, cultural. This illogical circumstance stems from the rigidities of using food components, rather than nutritive values in defining school lunch patterns. I was proud to have assisted in securing the necessary approvals to allow taro, a member of the potato family, to be served in limited situations. I believe the serving of taro should be made a full option for Hawaii's School Lunch Program managers because it is nutritious, familiar, and was a mainstay of the native Hawaiian diet.

Of course, simply allowing for the inclusion of locally produced foods does not preclude School Lunch Program managers from using the more usual foods that are available on a national basis. However, I strongly believe that local food producers should be given an opportunity to compete to have their products served through the School Lunch Program.

Through my bill, we would provide our children who participate in the School Lunch Program with meals that more closely comply with current and established dietary guidelines. The use of nutritive values, rather than food groups, allows considerably more precision in lunch pattern preparation. Further, by encouraging the use of locally produced foods, children participating in the program are offered foods with which they have familiarity. There are also added benefits of increased nutritive values associated with freshness.

I urge my colleagues to support this bill.

Mr. President, I ask that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2535

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MINIMUM NUTRITIONAL REQUIREMENTS FOR SCHOOL LUNCHES.

Section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended—

(1) in paragraph (1), by striking "Lunches" and inserting "Subject to the other provisions of this subsection, lunches"; and

(2) by adding at the end the following new paragraph:

"(5) In prescribing minimum nutritional requirements for lunches under paragraph (1), the Secretary shall—

"(A) consider lunches that are consistent with current Dietary Guidelines for Americans published by the Secretary and the Secretary of Health and Human Services to have met the requirements;

"(B) utilize the nutritive value of foods, rather than food components, in defining school lunch patterns; and

"(C) encourage the use of locally produced foods.".

By Mr. SEYMOUR:

S. 2536. A bill to amend the Public Health Service Act to establish a program of formula grants for compensating certain trauma care centers for unreimbursed costs incurred with respect to undocumented aliens, and for other purposes; to the Committee on Labor and Human Resources.

#### TRAUMA CARE CENTER ALIEN COMPENSATION ACT

• Mr. SEYMOUR. Mr. President, I rise today to introduce a bill which will assist our Nation's trauma care system with unreimbursed costs incurred by serving undocumented aliens. Trauma centers find themselves in a precarious situation. These centers are being forced to shut down due to uncompensated care. While undocumented aliens are not the sole reason for these closings, this segment of our population receives approximately 18 percent of our Nation's uncompensated emergency care.

The United States represents a haven for those that seek entrance at our borders. However, undocumented aliens that enter the United States present a new challenge to our Nation's ability to provide trauma care to all its citizens. The Federal Government has the responsibility for monitoring our Nation's borders. In addition, Federal agencies have mandated that trauma centers and other health care facilities provide emergency trauma care to everyone, regardless of their financial capabilities, or ability to pay. These trauma centers have lived up to the obligations the Federal Government has placed upon them. Since the Federal Government has created the financial dilemma forcing many trauma centers to close their doors or down grade their services, it should be the responsibility of the Federal Government to assist trauma centers in receiving the necessary funding to continue serving all patients.

Currently it is estimated that 1 to 2 million undocumented aliens enter the United States annually. The Congressional Budget Office estimates 30 percent of these will require health care,

and 40 percent of the costs will be for emergency care. While this problem has impacted health care reimbursement in California, it is not a problem unique to California. Problems with undocumented aliens exist across the Nation with undocumented aliens compounding already compromised trauma care in the midwestern and Northeastern States. The magnitude of this problem cannot be legitimately examined because most undocumented aliens will not or are afraid to admit they are in the country illegally.

As I stated, when undocumented aliens present themselves to our Nation's trauma centers, the trauma center rarely receives payment for care provided thereby writing off the bill. In San Diego, one facility has 11-18 percent undocumented alien trauma cases, with an estimated unreimbursed cost of \$2.7 million. To further illustrate this point, a young male recently sneaked across the border into Arizona, was shot, evaluated at a local emergency department and eventually airlifted to a regional trauma center. He will now receive trauma care, at the average cost of \$3,000 per day with no hope of reimbursing the facility for its services. At a time when trauma centers already provide uncompensated care to uninsured or indigent U.S. citizens, continued costs related to trauma care of undocumented aliens places trauma centers in jeopardy of closing or down-grading their trauma services due to financial constraints.

Trauma care represents 12 percent of all unsponsored acute hospital care. In 1988 it was estimated that an average trauma victim incurred a bill of \$12,000. Uncompensated care or indigent care in 1983 accounted for \$2.3 billion of our health dollars. Yet, even with reimbursement, each trauma case can result in a loss of \$3,500 to \$4,000 to the trauma center. Overall, the GAO reported in 1989 that 28 of trauma centers responding reported a cumulative loss of \$65.5 million. Nationwide, 309 trauma centers have closed since 1984, 74 since 1988. Actual statistics are hard to obtain on the actual trauma care losses due to undocumented trauma care, but I can report that in Arizona during the months of January and February of 1992, one facility has incurred a loss of over \$500,000 as a result of care for foreign nationals.

This bill will reimburse trauma centers that carry a higher percentage of uncompensated care for undocumented aliens. It is intended not to indiscriminately disperse money to trauma centers, but to provide a discretionary reimbursement to trauma centers which incur the extra burden of providing this type of care. The citizens of this Nation need to be assured that they will be quickly cared for in the event of a traumatic injury. I urge my colleagues to join me in sponsoring this legislation. •



By Mr. KENNEDY:

S. 2537. A bill to support efforts to promote democracy in Peru; to the Committee on Foreign Relations.

DEMOCRACY IN PERU ACT OF 1992

Mr. KENNEDY. Mr. President, today, on behalf of Senators CRANSTON, WOFFORD, KERRY, ADAMS, GRAHAM, GORE, MOYNIHAN, and myself, I am introducing the Democracy in Peru Act of 1992. The purpose of this measure is to support efforts to ensure that democracy and constitutional order are restored in Peru.

During the course of the past decade, nearly all the nations in this hemisphere have embraced democracy and a democratic form of government.

Tragically, within the past 6 months, the democratic governments of three of these nations—Haiti, Venezuela, and now Peru—have been threatened by military coups. The United States must do all it can to support civilian governments in Latin America and make clear that military might will not be permitted to subvert the democracies in this hemisphere.

Two days ago, Peruvian President Alberto Fujimori and the Peruvian Armed Forces launched an unconstitutional assault on Peruvian democracy by suspending the Peruvian Constitution, dissolving the Peruvian Congress and judiciary, arresting opposition leaders, and placing the media under Government control.

President Fujimori's cabinet immediately resigned in protest, and members of the Peruvian Congress have condemned the President's actions as amounting to a coup.

At this important time in Peruvian history, the United States and other nations in this hemisphere must take a strong stand with the Peruvian people in their struggle to preserve democracy. If the Peruvian people's dream of freedom and democracy is to become a reality, we must adopt strong measures to encourage restoration of the rule of law in Peru. Peru's Armed Forces must learn that rule by the power of the gun will not prevail, and that a penalty will be paid for attempts to undermine democracy.

The Bush administration deserves credit for the steps it has already taken to suspend nonhumanitarian aid to the Government of Peru. This legislation supports that important step and outlines the measures which President Fujimori and the Peruvian Armed Forces should take to restore constitutional order before United States aid to Peru is resumed.

The bill suspends all nonhumanitarian aid to the Government of Peru until President Bush certifies to the Congress that:

First, President Fujimori and the Peruvian Armed Forces have restored the Peruvian Congress and the judiciary to power; are respecting the full force and effect of the Peruvian Constitution;

have restored individual rights in Peru, including freedoms of speech, assembly, and the press; and are respecting the human rights of all Peruvians;

Second, the Peruvian Armed Forces have submitted to civilian control; and

Third, President Fujimori and the armed forces have renounced violence as a means of achieving political goals.

In addition, the measure calls upon the Organization of American States and the international community to take appropriate steps to ensure that constitutional order is restored in Peru.

If the United States Congress intends to keep faith with the Peruvian people, we must take these steps to encourage the restoration of a democratic government that guarantees freedom and human rights, and show by our leadership that we will not stand by while a repressive military regime destroys this fragile democracy.

The continuing assaults on Latin American democracies are an affront not only to the people of Haiti, Venezuela, and Peru, but to all friends of freedom around the world.

It is more important than ever that the United States, the Organization of American States, and the international community take a strong stand in supporting the Peruvian people in their struggle for a peaceful, democratic government. In the absence of unified, international condemnation of unlawful attempts to subvert democracy, the recent threats to democracy will only proliferate in the years ahead.

I urge my colleagues to join us in supporting this measure on behalf of the Peruvian people.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KENNEDY, Mr. MITCHELL, Mr. COHEN, and Mr. KERRY):

S. 2538. A bill to establish a comprehensive program to ensure the safety of fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONSUMER SEAFOOD SAFETY ACT

Mr. HOLLINGS. Mr. President, I am pleased today to join with several of my colleagues in introducing the Consumer Seafood Safety Act. As many will recall, the topic of seafood safety was the focus of considerable discussion and debate in the last Congress. Late in the last Congress, two very different bills were passed by the Senate and the House of Representatives. The differences could not be reconciled before the end of the session, and no legislation was completed. The bill I am introducing today incorporates provisions from both the Senate and House bills and is an important milestone toward final enactment of seafood safety legislation.

The Consumer Seafood Safety Act deals with an important concern of

both the American consumer and the U.S. seafood industry—ensuring the safety of the seafood we eat. Seafood is a nutritious part of the American diet, and has well-documented health benefits as well. The latest statistics on seafood consumption reflect public recognition of its health importance. In 1990, Americans bought and ate about \$26.7 billion of fish products, an estimated 15.5 pounds per person. In addition, figures show that the average person eats about 4 pounds of recreationally caught fish each year. Americans are now consuming about 60 percent more seafood than they did 10 years ago. The increased popularity of seafood is reflected in record 1990 U.S. fishery harvests of 9.7 billion pounds, valued at \$3.6 billion, and in 1990 seafood imports that totaled 2.9 billion pounds and were valued at \$5.2 billion.

However, at the same time that we are told that eating fish is healthy, reports have raised consumer concerns about the hazards of consuming spoiled or contaminated seafood. This past February, Consumers Union reported that its 6-month investigation of fresh fish and shellfish raised serious questions about quality. In 1990, the National Academy of Sciences concluded that while most available seafood is wholesome and unlikely to cause illness, there are areas of risk that should be addressed.

The current U.S. system to ensure seafood safety is a patchwork of State and Federal agency efforts. While the States and the Federal Government has established programs to deal with seafood problems, the current legal and enforcement tools at their disposal clearly are not adequate to guarantee public safety. The time has come to pull all the existing efforts together into a comprehensive program to ensure seafood safety.

Over the past year, I have worked with a number of our colleagues, the administration, and interested consumer and industry groups to define the essential elements of a national seafood safety program. This effort has taken three factors into consideration: First, the unique characteristics of the fishing industry; second, the specialized public health problems that can occur with seafood; and third, existing Federal agency expertise.

Looking first at the unique and complex nature of the Nation's fisheries, we must recognize that traditional agricultural inspection systems will not work for seafood. Unlike meat and poultry, over 200 species of fish are harvested in the wild and sold commercially. Billions of pounds of fish are processed annually in remote locations and onboard fish processing vessels at sea. Further, many fish never go to a plant at all. Inspectors cannot rely on plant inspections; they will have to inspect fish on the docks, at fish markets, and at sea as well.

In addition, the commercial seafood industry is diverse and seasonal, with over 100,000 fishing vessels, and any seafood safety program must account for such diversity. The processing sector is also varied, and includes many small operations whose equipment and awareness of proper storage and processing techniques vary from rudimentary to sophisticated. Further complicating the situation is the fact that roughly two-thirds of the seafood consumed in the United States is imported from over 120 countries with varying degrees of seafood inspection expertise. Finally, a significant amount of fresh seafood is consumed locally and does not move in interstate commerce, necessitating a strong and continuing involvement at the State level.

The second consideration in developing a national seafood safety program is the public health and consumer problems associated with eating seafood. While the U.S. seafood consumer is not facing a national public health crisis, there are seafood-associated health risks that are not addressed effectively at present. The Centers for Disease Control estimate that three problems account for over 90 percent of all illnesses caused by seafood: First, illnesses from eating raw molluscan shellfish—oysters, clams, and mussels—particularly those harvested commercially and recreationally from polluted waters; second, scombrototoxic poisoning due to toxins formed in species like tuna, mackerel, bonito, and mahi-mahi if they are not handled properly; and third, ciguatera illness associated with eating tropical reef fish like barracuda. In addition, the 1990 report by the National Academy of Sciences emphasized that more attention must be paid to determining whether some seafood contains unacceptable levels of contaminants, such as mercury, that could cause long term, chronic health problems.

Seafood-related health risks can be minimized in a variety of ways. Both shellfish contamination and ciguatera problems are best addressed through monitoring the growing areas and preventing harvests from polluted or contaminated waters. Increased sampling and surveillance may be necessary to minimize the possibility of chronic health problems. To prevent scombrototoxic poisoning, proper cooling equipment onboard harvesting vessels is essential. In addition, many problems of seafood deterioration occur as a result of inadequate refrigeration during commercial transport after harvest. Clearly, a seafood safety program will be effective only if it takes into consideration all factors affecting product safety, from coastal water quality to interstate transportation.

The last consideration is the issue of Federal agency qualifications for running a national seafood safety pro-

gram. One commonly held misconception is that there is no Federal system now in place to assure consumers that the fish which they buy and eat is safe, wholesome and properly labeled. People are surprised to learn that two Federal agencies in particular, the Food and Drug Administration [FDA] and the National Oceanic and Atmospheric Administration [NOAA], have developed substantial seafood safety expertise over the years. In 1992, FDA and NOAA will spend over \$65 million to ensure the safety and quality of the seafood we eat. This collective effort employs about 850 personnel in inspections, analyses, and research at over two dozen sites around the Nation. In addition, the Food Safety and Inspection Service [FSIS] of the Department of Agriculture has an inspection infrastructure which could be focused on improving the safety of imported seafood. A comprehensive program should be based upon the current responsibilities and capabilities of these Federal agencies.

How does the Consumer Seafood Safety Act respond to these considerations? Building on existing food safety programs and statutes, it addresses the unique health issues associated with seafood in order to create a comprehensive national program. The bill recognizes that traditional meat and poultry inspection programs are not appropriate for addressing seafood problems, and proposes a widely supported, non-traditional approach, the hazard analysis critical control point [HACCP] method. The HACCP method consists of three clearly defined steps. First, hazards associated with harvesting, processing, and using a food product must be identified and assessed. Second, critical control points must be determined to control any identifiable hazard. Third, procedures must be established to monitor the critical control points. The HACCP method provides a rational, commonsense basis for an effective, less than continuous inspection system. Because this method requires employees to become an integral part of efforts to monitor the safety of the seafood they process, protection for whistleblowers is essential.

The bill also calls for a complementary system of tolerance setting, regulatory guidance and standards, sampling, and enforcement activities at the Federal and State levels of government. Clear emphasis is placed in addressing shellfish problems and on monitoring and regulating growing areas and fishing grounds. In addition, the legislation calls for evaluation and certification of foreign seafood safety programs and would require imports to meet the same standards as domestically produced seafood. Finally, the bill would improve our national surveillance, public education and advisory systems. In short, the Consumer Seafood Safety Act provides for an ef-

fective and efficient program that should ensure the quality of our seafood products. The legislative focuses on addressing seafood-specific issues, and should not be seen as a precedent for other food safety programs.

This bill represents a compromise among many interests. Each of us has given ground on issues like agency responsibility. While the Consumer Seafood Safety Act differs from the legislation I supported in the last Congress, it is a reasonable compromise that gives us a sound basis for Senate consideration of this issue. I am pleased that several of my colleagues have shared my commitment to its completion, including the senior Senator from Alaska, the majority leader and the chairman of the Labor and Agriculture Committees. I also thank Under Secretary of Commerce, John Knauss, and Food and Drug Administration head, David Kessler, for their technical support and assistance.

I ask unanimous consent that the bill I am introducing today and a more detailed summary of the legislation be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Seafood Safety Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Unsafe seafood.
- Sec. 5. Effect on other laws.

#### Title I—National Seafood Safety Program

- Sec. 101. Administration of national program.
- Sec. 102. Shellfish safety.
- Sec. 103. Tolerances for contaminants in seafood.
- Sec. 104. Monitoring of growing areas and fishing grounds.
- Sec. 105. Processing and handling.
- Sec. 106. Seafood inspection system.
- Sec. 107. Sampling of fish products.
- Sec. 108. Registration of processors and importers.
- Sec. 109. State and Federal cooperation.
- Sec. 110. Imports.
- Sec. 111. Authorization of appropriations.

#### Title II—Research and Education

- Sec. 201. Public health assessment system.
- Sec. 202. Public education and advisory system.
- Sec. 203. Research.

#### Title III—Seafood Safety Enforcement

- Sec. 301. Whistleblower protection.
- Sec. 302. Recall.
- Sec. 303. Prohibited acts and penalties.
- Sec. 304. Subpoenas.

#### SEC. 2. FINDINGS.

The Congress finds and declares the following:

- (1) Seafood constitutes an important component of the Nation's food supply. A wide



variety of domestic and imported fish products are consumed throughout the Nation. Seafood is not only harvested and marketed by a large and diverse commercial fishing industry, but also is caught and consumed by noncommercial users.

(2) Heightened awareness of the health benefits associated with seafood has raised consumption rates and increased the demand for wholesome seafood.

(3) The consumption of seafood harvested from polluted waters and the sale of unsafe or misbranded fish products are injurious to the public welfare, destroy markets for wholesome and properly labeled and packaged seafood, and result in injury to consumers and losses to the United States seafood industry.

(4) The National Academy of Sciences, in its 1991 study entitled "Seafood Safety", reports that while most seafood available to the United States public is wholesome and unlikely to cause illness, there should be a comprehensive approach to known seafood safety problems.

(5) To address such problems and to ensure consumer confidence in the wholesomeness of fish products, existing Federal standards and systems of inspection and monitoring must be strengthened.

(6) A national seafood safety program should be built upon the existing responsibilities and capabilities of the Food and Drug Administration, the National Oceanic and Atmospheric Administration, and the Food Safety and Inspection Service, which have extensive experience with regulatory, research, monitoring, enforcement, and education issues related to human health, fisheries, and the inspection of food.

(7) The Federal Government should foster and support mandatory and effective State programs to ensure a comprehensive national seafood safety program.

### SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Conference" means the Interstate Shellfish Sanitation Conference or any successor organization.

(2) "contaminant" means a chemical or microbiological contaminant, parasite, or toxin.

(3) "facility" includes any factory, warehouse, establishment, or vessel.

(4) "fish" means finfish, shellfish and other mollusks, crustaceans, amphibians, and all other forms of aquatic life, whether from wild or cultured sources, except birds and mammals.

(5) "fish product" means—

(A) any product intended for human consumption and derived in whole or in part from fish; or

(B) any fish intended for human consumption that is in the possession or control of any person.

(6) "fish tender vessel" has the meaning given that term in section 2101(11c) of title 46, United States Code.

(7) "fishing vessel" has the meaning given that term in section 2101(11a) of title 46, United States Code.

(8) "interstate commerce" means commerce—

(A) between a place in a State and a place outside such State (including a place outside the United States); or

(B) within the District of Columbia or any territory or possession of the United States.

(9) "person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, cooperative, or other entity (whether or not organized under the laws of any State), and any

State, local, or foreign government, or any entity of such government or the Federal Government.

(10) "processing" means, with respect to fish products, the commercial preparation, manufacture, or transportation of such fish products, including heading and gutting, canning, cooking, smoking, filleting, fermenting, freezing, dehydrating, mincing, drying, consumer packaging, and warehousing, except such practices as heading, gutting, or freezing intended solely to prepare fish products for holding on board a vessel for delivery to a person engaged in such commercial preparation, manufacture, or transportation.

(11) "seafood" means fish products in general.

(12) "Secretary" means the Secretary of Health and Human Services.

(13) "shellfish" means any species of oyster, clam, or mussel, either shucked or in the shell, and either processed or unprocessed, or any edible part thereof.

(14) "shellfish shipper" means a person who transports shellfish in interstate commerce, or holds shellfish for such transport.

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

### SEC. 4. UNSAFE FISH.

(a) FISH AND FISH PRODUCTS DEEMED UNSAFE FOR HUMAN CONSUMPTION.—For purposes of this Act, fish products shall be deemed to be unsafe for human consumption if the fish products—

(1) contain a contaminant for which a tolerance has been established under section 103 and the contaminant is not within the limits of such tolerance;

(2) are derived in whole or in part from fish that have been harvested from a fish growing area or fishing ground that, for the protection of public health, has been closed to such harvesting, under State law or regulations or under section 104;

(3) have been processed, handled, stored, or transported in violation of standards established under section 102 or 105; or

(4) are shellfish and are—

(A) grown or harvested in (i) a State that does not have a program approved under section 102(b) or (ii) a foreign nation that is not certified for shellfish under section 110(f)(3);

(B) harvested from a shellfish growing area that has not been classified and monitored in accordance with standards and procedures established under section 102(a); or

(C) transported in interstate commerce, or held for such transport, by a person who is not included in the list maintained by the Secretary under section 102(c).

(b) EFFECTIVE DATES.—The provisions of paragraphs (1), (2), and (3) of subsection (a) shall take effect on the date of enactment of this Act. Each provision of paragraph (4) of subsection (a) shall take effect upon a date specified by the Secretary and published in the Federal Register, or on the date that is 30 months after the date of enactment of this Act, whichever is sooner.

### SEC. 5. EFFECT ON OTHER LAWS.

(a) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Nothing in this Act, except as expressly provided, shall alter the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), as amended by this Act.

(b) QUALITY ASSURANCE PROGRAMS.—Nothing in this Act shall be construed to preclude a Federal seafood quality assurance program

established under other law or a State seafood quality assurance program for fish products produced under the jurisdiction of such State.

### TITLE I—NATIONAL SEAFOOD SAFETY PROGRAM

#### SEC. 101. ADMINISTRATION OF NATIONAL PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and other appropriate entities, shall administer a national program for the purpose of protecting human health by ensuring the safety of seafood consumed in the United States.

(2) The program shall—

(A) take into consideration the distinctive characteristics, fishing methods, and processing practices related to different fish species;

(B) be based on a comprehensive analysis of the hazards associated with different fish and fish products and with the harvesting, processing, and handling of different fish and fish products, including the identification and evaluation of—

(i) the severity of the potential health risks;

(ii) the sources and specific points of potential contamination that may render fish products unsafe for human consumption; and

(iii) the potential for persistence, multiplication, or concentration of contaminants in fish or fish products;

(C) determine critical control points for addressing identifiable hazards; and

(D) establish procedures to monitor critical control points and prevent identifiable hazards.

(b) PROGRAM ELEMENTS.—The program shall provide for—

(1) administration of a comprehensive shellfish safety program;

(2) establishment and enforcement of health-based standards for (A) substances which may contaminate seafood and (B) safety and sanitation in the processing and handling of fish products;

(3) development of a system to identify and monitor fish growing areas and fishing grounds;

(4) implementation of procedures and requirements to ensure the safety of imported fish products;

(5) implementation of a national system for the inspection of fish products (including a sampling and testing program for contaminants in fish products) and for registration of processors and importers;

(6) support for and coordination with State governments in carrying out inspection, enforcement, and monitoring, including compensation to the States for carrying out such functions;

(7) inclusion of seafood in a national surveillance system to assess the health risks associated with the human consumption of food products;

(8) development of public education and advisory programs; and

(9) design and implementation of a research program in furtherance of the purposes of this Act.

(c) FEDERAL SEAFOOD SAFETY HANDBOOK.—The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and other appropriate entities, shall develop and update on a regular basis a concise and comprehensive handbook containing Federal regulations and guidelines relating to seafood safety. The Secretary shall ensure that the handbook is generally available for the purpose of disseminating information to the industry and encouraging integrating of

such Federal regulations and guidelines into State regulatory processes.

#### SEC. 102. SHELLFISH SAFETY.

(a) STANDARDS, PROCEDURES, AND REQUIREMENTS.—(1) The Secretary, in consultation with the Secretary of Commerce, the Conference, and other appropriate entities, shall administer a national shellfish safety program designed to protect against hazards to human health associated with the consumption of shellfish. Not later than 12 months after the date of the enactment of this Act, the Secretary shall issue regulations or guidelines establishing standards, procedures, and requirements for the effective implementation of such a program, including—

(A) standards for the growing, harvesting, handling, processing, and shipment of shellfish;

(B) standards for the water quality of shellfish growing and harvesting areas;

(C) procedures for classifying and monitoring all actual and potential shellfish growing areas to determine their suitability for shellfish harvesting, based on standards established under this subsection;

(D) procedures for requesting that shellfish growing areas which are unsuitable for harvesting be closed by—

(i) the Secretary of Commerce in accordance with section 104(b);

(ii) the Governor of any affected State; or

(iii) the Secretary of Commerce in accordance with section 104(c), whenever a significant risk of adverse health consequences exists;

(E) procedures and requirements to facilitate tracing shellfish in interstate commerce, including a system for maintaining a list of certified shellfish shippers in accordance with subsection (c); and

(F) such other standards, procedures, and requirements as are necessary to carry out the provisions of this section.

(2) Regulations or guidelines issued under this section shall incorporate, to the extent practicable, guidelines issued in accordance with the memorandum of understanding between the Conference and the Food and Drug Administration, dated March 14, 1983, and any amendments or addendums thereto.

(3) The Secretary shall, on a regular basis, review and revise the standards, procedures, and requirements established under this section, incorporating where practicable and appropriate any recommendations of the Conference.

(b) STATE PROGRAMS.—(1) Upon issuance of regulations or guidelines under subsection (a), the Secretary shall request each shellfish-producing State to submit a proposed State shellfish safety program. The Secretary in cooperation with the Secretary of Commerce shall review each proposed State program submitted, and not later than 120 days after each submission, the Secretary shall—

(A) approve the program if it meets the requirements described under paragraph (2); or

(B) disapprove the program if it does not meet such requirements, notify the Governor of the State identifying the reasons for the disapproval, and provide an opportunity for the State to correct and resubmit the program for approval.

(2) The Secretary shall approve a proposed State shellfish safety program submitted under this subsection if the Secretary determines that the program—

(A) achieves the purpose of the national program as stated in subsection (a);

(B) ensures that standards established under subsection (a) are met through a comprehensive State monitoring system;

(C) provides adequate enforcement to ensure that harvesting of shellfish occurs only in waters that (i) meet applicable standards established under subsection (a) and (ii) are appropriately classified as being suitable for harvest of shellfish in accordance with procedures established under subsection (a);

(D) provides for certification of shellfish shippers that are in compliance with the program; and

(E) ensures compliance with tolerances established under section 103 of this Act and ensures that shellfish are not deemed to be adulterated under section 402(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)).

(3) The Secretary shall review at least annually each State program approved under this subsection to determine whether the program and the State's implementation of the program continue to meet the requirements of paragraph (2).

(4) The Secretary shall withdraw approval of a State program or any portion thereof that the Secretary, in consultation with the Secretary of Commerce and the Conference, determines no longer meets the requirements of paragraph (2) after providing notice to the State and providing an opportunity for corrective action. The Secretary shall promptly publish notice in the Federal Register regarding such determination.

(5) The Secretary may annually grant to each State with a program approved under this subsection an amount not to exceed 60 percent of the cost of operating the program. Amounts granted under this paragraph shall be distributed among the States in a fair and equitable manner, in accordance with criteria established by the Secretary by regulation, and taking into account the proportion, volume, and value of—

(A) shellfish harvesting and processing in each State during the 5 calendar years immediately preceding the calendar year in which the amounts are granted; and

(B) classified shellfish growing areas in each State.

(c) LISTING SHELLFISH SHIPPERS.—(1) The Secretary shall publish and maintain a list of shellfish shippers that are certified—

(A) by a State under a program approved pursuant to subsection (b); or

(B) pursuant to section 110(f)(2)(D) by a foreign national with which there is in effect an agreement under section 110.

(2) The Secretary may exclude from a list under this subsection a shellfish shipper that is certified by a State or a foreign nation, if the Secretary determines that—

(A) in accordance with subsection (b)(4), the applicable portion of such State's shellfish safety program no longer meets the requirements of subsection (b)(2);

(B) such foreign nation no longer meets the requirements of section 110(f)(2)(D); or

(C) the shellfish shipper is not in compliance with—

(i) an applicable approved State program under this section after notice to the State and opportunity for action;

(ii) the applicable shellfish shipper certification system of a foreign nation under an agreement pursuant to section 110; or

(iii) requirements under any Federal law relating to the safety of shellfish for human consumption.

#### SEC. 103. TOLERANCES FOR CONTAMINANTS IN SEAFOOD.

(a) TOLERANCES.—The Secretary shall establish tolerances limiting the quantity of contaminants that, when found in fish products, may render such fish products injurious to health. Such tolerances may include indi-

cators (including indicator organisms) from which it may reasonably be inferred that a contaminant is present in fish or fish products. In developing a tolerance, the Secretary shall take into account the extent to which consumers may be exposed to such contaminant from sources other than fish products, and the extent to which such contaminant can be avoided or minimized in the harvesting of fish or the handling or processing of fish products. While a tolerance under this section is in effect, no fish product shall, by reason of bearing or containing a contaminant that complies with such tolerance, be deemed to be adulterated under section 402(a)(1) or (2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1) or (2)(A)).

(b) REGULATIONS.—(1) The Secretary, after notice and opportunity for comment, shall issue regulations to implement subsection (a) within 18 months after the date of enactment of this Act. In issuing such regulations, the Secretary shall establish tolerances for the contaminants that the Secretary determines are most likely to be found in fish or fish products and which are most likely to cause fish products to be unsafe for human consumption. Regulations for other contaminants shall be issued by the Secretary on a timely basis.

(2) A tolerance established under this section shall be based on—

(A) A scientific analysis of the health risks attributable to the contaminant for which the tolerance is established; and

(B) the recommendations of the National Academy of Sciences, to the extent practicable.

(3) The Secretary shall, in a timely manner, issue revisions of the regulations under paragraph (1) which take into account new information. The Secretary may contract with the National Academy of Sciences to provide such other data or assistance as the Secretary determines necessary.

(c) REPORT.—The Secretary shall report to the Congress on the progress of the Secretary in establishing tolerances under this section. The report shall include a description of the research that has been conducted with respect to such tolerances and the research which must be conducted before additional tolerances may be established, the health significance of the lack of such additional tolerances, a timetable for the establishment of such tolerances, and the estimated costs, including costs of research, associated with the establishment of such tolerances. The report shall be transmitted on or about the end of the 18th month after the date of enactment of this Act, and biennially thereafter during the 6-year period that begins on such date of enactment.

(d) ADDED SUBSTANCE DEFINED.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following new subsection:

“(bb) The term ‘added substance’ means a substance that is not an inherent constituent of a food and whose intended use results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of, or otherwise affecting the characteristics of, any food. Such term includes (1) a substance that is intentionally added to any food and (2) a substance that is the result of environmental, agricultural, industrial, or other contamination.”

#### SEC. 104. MONITORING OF GROWING AREAS AND FISHING GROUNDS.

(a) MONITORING SYSTEM.—Within 24 months after the date of enactment of this Act, the Secretary of Commerce shall, for waters



under Federal jurisdiction seaward of the inner boundary of the exclusive economic zone, classify and monitor shellfish growing areas under section 102(a) and identify and monitor fish growing areas and fishing grounds from which significant quantities of fish (other than shellfish) are harvested. The purpose of such system shall be to monitor (through the collection of samples and other scientific information) potential hazards that are likely to render fish products from such areas and grounds unsafe for human consumption.

(b) **FEDERAL CLOSURE AND RESTRICTION.**—(1) For the purpose of protecting human health, the Secretary of Commerce shall prohibit or otherwise impose conditions on the harvesting of species of fish in a specific area of waters under Federal jurisdiction seaward of the inner boundary of the exclusive economic zone, if the Secretary determines, based on sampling or other scientific information, that—

(A) fish of that species harvested from such specific area are likely to be in violation of tolerances established under section 103; or

(B) fish products, derived in whole or in part from fish of that species harvested from such specific area, are likely to be deemed to be adulterated under section 402(a) (1) or (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a) (1) or (2)).

(2) Any action taken under this subsection—

(A) shall be promulgated in the Federal Register with immediate effect, together with the reasons therefor and a request for public comments; and

(B) shall remain in effect only as long as the Secretary determines that the circumstances that led to the action still exist.

(c) **CLOSING OF STATE WATERS TO HARVESTING OF FISH.**—(1) The Secretary and the Secretary of Commerce shall develop guidelines to assist States in establishing procedures for closing waters under State jurisdiction.

(2) If the Secretary determines that a species of fish harvested in an area of State waters is likely to be unsafe for human consumption, the Secretary shall, expeditiously and in writing, request the Governor of such State to close or otherwise restrict such area with respect to the harvesting of that species of fish until the circumstances which led to the request no longer exist. At the time such a request is made, the Secretary shall notify the Secretary of Commerce and, if the species is a species of shellfish or other bivalve mollusk, the Chairman of the Conference.

(3)(A) Subject to subparagraph (B), if a reasonable time, not to exceed 10 days, has passed after a request is made under paragraph (2) and the State has not taken the requested action within that time, and if the Secretary finds that a significant risk of adverse health consequences exists—

(i) the Secretary shall request the Secretary of Commerce to close the affected area of State waters to the harvesting of the species involved; and

(ii) the Secretary of Commerce shall immediately implement such closure, which shall remain in effect until the Secretary finds that such risk no longer exists.

(B) A finding under subparagraph (A) that a significant risk of adverse health consequences exists with respect to a species of shellfish or other bivalve mollusk may be made only after the Secretary has consulted with the Chairman of the Conference.

(d) **DEFINITION.**—As used in this section, the term "exclusive economic zone" has the meaning given that term in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801(6)).

#### SEC. 105. PROCESSING AND HANDLING.

(a) **PROCESSING STANDARDS.**—The Secretary in cooperation with the Secretary of Commerce shall, within 24 months after the date of enactment of this Act, prescribe by regulation such health-based and other appropriate standards, for facilities engaged in the processing of fish products other than shellfish, that the Secretary determines are necessary in accordance with section 101(a)(2). The standards shall—

(1) contain requirements for the operation and maintenance of such facilities, including all applicable sanitation and good manufacturing practices;

(2) establish procedures for the handling, storage, and transportation of fish products, including all applicable standards established by the Secretary of Commerce for vessels;

(3) require training in fish product sanitation and quality control as appropriate for employees of such facilities;

(4) not require the freezing or cooking of fish products that are intended for raw consumption unless the Secretary determines that such freezing or cooking is the only practical procedure available that will adequately prevent such fish products from being deemed unsafe for human consumption under section 4 of this Act, or adulterated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(5) consider the specialized operating requirements of vessels used to process fish products at sea.

(b) **SEAFOOD SAFETY ON FISHING AND FISH TENDER VESSELS.**—(1) If after completion of the comprehensive analysis under section 101(a)(2) and after notice and opportunity for comment the Secretary of Commerce determines that particular seafood safety standards for vessels are needed to ensure that specific fish products meet the requirements of this Act, the Secretary of Commerce in consultation with the Secretary shall issue regulations or guidelines establishing necessary standards for the handling, storage, or transportation of such specific fish products on fishing vessels or fish tender vessels.

(2) Standards may be prescribed under this subsection only to the extent necessary, and only if no practicable alternative exists, to prevent specific fish products from being deemed unsafe for human consumption under section 4.

(3) In developing the standards described under paragraph (1), the Secretary of Commerce shall—

(A) consider what measures are necessary to ensure that such fish products are safe for human consumption;

(B) consider the geographic location where affected vessels will operate, the history of health safety problems associated with fish and fish products in those geographic locations, and the degree to which such standards will improve the safety of such fish products;

(C) consult with the Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of title 46, United States Code, or any successor committee, as well as individuals in the affected fisheries, to ensure that such standards do not adversely affect the safe operation of affected fishing vessels or fish tender vessels;

(D) consider the specialized nature and economics of fishing and fish tender operations and the character, design, and construction of fishing vessels and fish tender vessels in affected fisheries;

(E) ensure that any standards prescribed under this subsection cause the least disruption

to the normal operation of fishing vessels and fish tender vessels affected by such standards; and

(F) whenever possible, avoid requiring modification, replacement, or addition of equipment on such vessels.

(4) With respect to regulations issued under this subsection, the Secretary of Commerce shall allow a reasonable amount of time for fishing and fish tender vessel owners affected by such regulations to complete any necessary modifications to their vessels before such regulations take effect.

(5) Enforcement of regulations issued under this subsection shall be carried out by officers and employees duly designated by the Secretary of Commerce, who shall have the same powers in carrying out such enforcement as are provided to officers authorized to enforce the provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

#### SEC. 106. SEAFOOD INSPECTION SYSTEM.

(a) **ROLES OF SECRETARY AND SECRETARY OF COMMERCE.**—Within 30 months after the date of enactment of this Act, the Secretary shall in cooperation with the Secretary of Commerce establish and administer a comprehensive and efficient inspection system for fish products sold in interstate commerce. The Secretary shall provide general oversight under which the Secretary of Commerce shall routinely inspect processing facilities. The Secretary shall assure the effective operation of this inspection system through verification and other activities as the Secretary considers necessary.

(b) **NATURE OF INSPECTIONS.**—(1) The inspection system shall provide for unannounced inspections of facilities in which fish products are processed to determine if fish products are unsafe for human consumption under section 4 of this Act or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Inspections shall include sampling of fish products.

(2) Inspections shall be conducted with such frequency and in such manner as the Secretary in consultation with the Secretary of Commerce may provide by regulation, taking into account such factors as the Secretary considers appropriate, including—

(A) the potential of the operations to affect human health, based on the probability that fish products are susceptible to becoming unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) the history of compliance with this Act and other health and safety laws; and

(C) such other factors as the Secretary may determine appropriate.

(3) Domestic facilities in which imported fish products are processed shall be inspected at least at the same rate as other domestic facilities in which fish products are processed.

(c) **CONDUCT OF INSPECTIONS.**—(1) An inspection under subsection (a) of any facility engaged in the processing of fish products shall extend to all things therein (including records required to be maintained under section 108(e), processes, controls, and the premises) that bear on whether fish products are in compliance with this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Access to records may include the copying of such records.

(2) In conducting inspections under subsection (a), officers or employees duly designated by the Secretary of Commerce, upon presenting appropriate credentials and a

written notice to the owner, operator, or agent in charge, are authorized—

(A) to enter at reasonable times any facility in which persons are engaged in the processing of fish products, or to enter any vehicle being used to transport or hold such fish products; and

(B) to inspect in a reasonable manner such facility or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.

(3) Upon completion of inspection and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed which indicate that any fish product in such facility is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) **PRODUCT DETENTION AND CONDEMNATION.**—(1) If during an inspection conducted under this section an officer or employee making the inspection has reason to believe that a fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), such officer or employee may order the fish product segregated, impounded, and if objection is not made within 48 hours, condemned. If objection is made, such fish products that are in perishable form may be processed to the extent necessary to prevent spoilage, and a hearing shall be commenced expeditiously.

(2) If the Secretary determines that such fish product can, by relabeling or other action, be brought into compliance with this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and regulations issued thereunder, final determination by the Secretary as to the condemnation of such fish product may be deferred pending the performance by the owner of such fish product, within a time specified by the Secretary, of such relabeling or other action as the Secretary may authorize. Entry of the fish products into interstate commerce shall be permitted if, after such action is performed, the Secretary determines that the fish product has been brought into compliance with this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and regulations issued thereunder.

(3)(A) Except as provided in subparagraph (B), no fresh fish product may be segregated and impounded for more than 48 hours and no other fish product may be segregated and impounded for more than 10 days.

(B) While a hearing under paragraph (1) or judicial review is pending with respect to fish products segregated and impounded under this subsection, the presiding officer of the hearing or an appropriate court may authorize segregation and impoundment to continue beyond the time limitations specified in subparagraph (A).

(4) Any fish product condemned without objection, or after hearing and judicial review, shall be destroyed.

(e) **OFFICIAL MARK.**—The Secretary, in consultation with the Secretary of Commerce, shall prescribe by regulation the conditions under which any fish product shall display an official mark that signifies that the fish product has been processed in accordance with standards and procedures established under this Act.

(f) **OTHER INSPECTION RIGHTS AND DUTIES.**—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by

adding at the end the following new subsection:

“(f) The rights and duties under this section of duly designated officers and employees and of other persons shall apply to enforcement of the Consumer Seafood Safety Act of 1992 to the same extent and in the same manner as they apply to the enforcement of this Act.”.

#### SEC. 107. SAMPLING OF FISH PRODUCTS.

(a) **SAMPLING.**—(1) The Secretary, in cooperation with the Secretary of Commerce and the Secretary of Agriculture, shall provide for the collection of samples of fish products under the inspection systems established under sections 106 and 110. Such sampling shall be conducted in a reasonable manner in order to determine if fish products are unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) **CONTAMINANT TESTING PROCEDURES.**—In developing procedures to test samples of fish products for contaminants and poisonous or deleterious substances, the Secretary shall, to the extent practicable, make full use of the existing Federal analytical capability with respect to such tests, including that of the Department of Agriculture.

(c) **DETERMINATION OF VIOLATIVE HARVESTING AREAS.**—If as a result of sampling conducted under this section the Secretary determines that fish of a particular species harvested from a specific area are likely to be in violation of tolerances established under section 103 of this Act, or adulterated under section 402(a) (1) or (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a) (1) or (2)), the Secretary shall communicate that determination to the Secretary of Commerce and, in accordance with section 104, to any State with jurisdiction over such areas.

#### SEC. 108. REGISTRATION OF PROCESSORS AND IMPORTERS.

(a) **IN GENERAL.**—Any person who owns or operates a facility engaged in processing of fish products and any person who imports fish products shall register with the Secretary. Application for registration shall be made to the Secretary using such forms and containing such information as the Secretary, in consultation with the Secretary of Commerce and the Secretary of Agriculture, shall prescribe by regulation within 24 months after the date of enactment of this Act. Upon receipt and review of a completed application, the Secretary shall issue to the applicant a certificate of registration unless good cause is shown why such application should be denied. The Secretary shall promptly notify any applicant of such denial, include a written explanation of the reasons for such denial, and provide an opportunity for a hearing upon request.

(b) **SUSPENSION OF REGISTRATION.**—(1) The registration of a person may be suspended immediately by the Secretary for—

(A) failure to permit access for inspection under this Act; or

(B) violation of this Act or regulations issued under this Act, if the Secretary determines that such suspension is necessary to prevent a significant risk of adverse health consequences.

(2) Any registration suspended under paragraph (1) may be reinstated whenever the Secretary determines that suspension is no longer necessary.

(c) **ASSIGNMENT OF REGISTRATION NUMBERS.**—The Secretary may assign a registration number (or numbers) to any person registered in accordance with this section.

(d) **EXEMPTION AUTHORITY.**—The Secretary may by regulation exempt classes of facilities from the requirements of subsection (a) if the Secretary determines that registration of persons owning or operating such facilities is not needed for the effective enforcement of this Act.

(e) **MAINTENANCE OF RECORDS.**—Each person registered under this section shall maintain (for a reasonable period of time as prescribed by the Secretary, but not to exceed 2 years unless otherwise directed by the Secretary for good cause) such records as the Secretary in consultation with the Secretary of Commerce and the Secretary of Agriculture may prescribe by regulation. The records may include information concerning—

(1) the origin, receipt, delivery, sale, movement, and disposition of fish products; and

(2) matters reasonably related to whether fish products may be unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

#### SEC. 109. STATE AND FEDERAL CORPORATION.

(a) **IN GENERAL.**—The Secretary and the Secretary of Commerce shall work with the States in undertaking activities and programs that contribute to the national seafood safety program so that State and Federal programs function in a coordinated and cost effective manner. With the assistance provided in subsection (b), the Secretary and the Secretary of Commerce shall encourage States to—

(1) continue, strengthen, or establish State seafood safety programs;

(2) establish compatible procedures and requirements for ensuring that fish products are not unsafe for human consumption;

(3) implement uniform seafood safety-related systems for classifying, monitoring, and regulating fish growing areas and fishing grounds under State jurisdiction;

(4) advise consumers and noncommercial users regarding recommended levels of consumption of fish products (including game fish) from lakes, rivers, and coastal areas throughout each State; and

(5) incorporate seafood safety considerations into decisions involving conservation and management of fish and living marine resources, including planning for the siting of pollution control and aquaculture facilities and the regulation of fishing activities.

(b) **ASSISTANCE.**—(1) The Secretary in consultation with the Secretary of Commerce may provide to a State, for planning, developing, and implementing a seafood safety program—

(A) advisory assistance;

(B) technical and laboratory assistance and training (including necessary materials and equipment); and

(C) financial and other aid.

(2) The Secretary or the Secretary of Commerce may provide financial and personnel assistance to support the conference.

(c) **SERVICE AGREEMENTS.**—The Secretary or the Secretary of Commerce, as appropriate, may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise the personnel, services, and facilities of such agencies in carrying out their responsibilities under this Act. Such an agreement shall provide that any compliance records, notices, or reports issued in connection with activities under the agreement and in the possession of the agency or government which entered into the agreement shall be made available in accordance with section 552 of title 5,



United States Code. Agreements with a State under this subsection may provide for training of State employees. The Secretary shall pay for or reimburse the State for the expenses of such training and for the actual cost of activities performed by a State employee at the request of the Secretary.

(d) **STATE INSPECTION AND REGISTRATION SYSTEMS.**—(1) At any time after establishment of the Federal seafood inspection system under section 106, the Governor of any State may submit to the Secretary a full and complete plan of operation for the seafood inspection program the State administers or proposes to establish and administer under State law. In addition, such State shall submit a statement from the attorney general (or appropriate legal officer) that the laws of such State provide authority and capacity to carry out a program which is at least equal in effectiveness to the program established under this Act.

(2) A State plan of operation submitted under paragraph (1) shall—

(A) provide an overview of State activities related to the safety of seafood, including shellfish;

(B) describe the manner in which the State administers or proposes to administer inspection, sampling, and registration systems consistent with this Act;

(C) evaluate staffing, equipment, and other requirements for implementation of the State program;

(D) estimate projected costs to the State of administering the program; and

(E) provide for regular reports to the Secretary regarding State activities under the program.

(3) Not later than 120 days after the submission of a plan of operation, the Secretary shall approve such plan for a period of no more than 3 years unless the Secretary in consultation with the Secretary of Commerce determines that the State submitting the plan does not have at least equal authority or capacity to—

(A) ensure that fish products under the jurisdiction of such State are not unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(B) abate violations of the State program, including civil and criminal penalties and other ways and means of enforcement.

(4) If the Secretary in consultation with the Secretary of Commerce approves a State program under paragraph (3), the Secretary shall designate those portions of the State program which shall be implemented and enforced under such approved State program in lieu of portions of the Federal program.

(5) The Secretary in cooperation with the Secretary of Commerce shall monitor the effectiveness of each approved State program to ensure that the program is at least equal in effectiveness to the program established under this Act. If the Secretary determines that a State with an approved program has failed to maintain or is not operating a program that is at least equal in effectiveness to the program established under this Act, the Secretary shall promptly notify the Governor of the State of such determination and provide an opportunity for the State to correct any deficiencies identified in such notification. If after notice and opportunity for appropriate corrective action the State program does not meet the requirements of this section, the Secretary shall withdraw approval of the State program.

(6) Notwithstanding paragraph (4), the Secretary may enforce the Federal program in a

State having a program approved under paragraph (3) if—

(A) the State requests enforcement assistance; or

(B) the Secretary finds that a significant risk of adverse health consequences exists and that such enforcement is necessary to address such risk.

Enforcement by the Secretary under this paragraph shall be discontinued no later than 6 months after its commencement. If after 6 months the Secretary determines that the significant risk of adverse health consequences still exists, the Secretary shall implement procedures to withdraw approval for such State program or portions thereof under paragraph (5).

(7) The Secretary may annually grant to each State with a program approved under paragraph (3) an amount not to exceed 60 percent of the cost of operating the program. Amounts granted under this paragraph shall be distributed among the States in a fair and equitable manner, in accordance with criteria established by the Secretary by regulation. The Secretary may withhold Federal assistance under this paragraph if the Secretary determines that the State program has failed to meet the requirements of this section. Such withheld assistance shall be paid subsequently upon a determination that any deficiencies have been corrected.

#### SEC. 110. IMPORTS.

(a) **ROLES OF SECRETARY AND SECRETARY OF AGRICULTURE.**—Within 30 months after the date of enactment of this Act, the Secretary shall in cooperation with the Secretary of Agriculture and the Secretary of the Treasury establish and administer a comprehensive and efficient system to ensure the safety of seafood imported into the United States. The Secretary shall provide general oversight under which the Secretary of Agriculture shall routinely inspect processing facilities in exporting nations and imports at ports of entry into the United States. The Secretary shall assure the effective operation through verification and other activities as the Secretary considers necessary.

(b) **IMPORT REQUIREMENTS.**—(1) No fish product may be entered, or withdrawn from warehouse, for consumption in the United States if such fish product—

(A) is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food Drug and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) is not marked or labelled as required by regulations for imported articles; or

(C) does not comply with the requirements of this section.

(2) Upon entry for consumption in the United States, fish products that are not prohibited from entry or withdrawal from warehouse under paragraph (1) shall be deemed to be and treated as domestic fish products, except that all labeling of such fish products shall identify country of origin.

(c) **INSPECTION OF IMPORTS.**—(1) fish products that are offered for importation or entered, or withdrawn from warehouse, for consumption in the United States, shall be subject to examinations, inspections, sampling, and such other procedures at the port of entry or in the exporting nation by officers or employees duly designated by the Secretary of Agriculture. Such procedures shall be conducted with such frequency and in such manner as the Secretary in consultation with the Secretary of Agriculture may prescribe by regulation.

(2) Fish products from a nation that is certified for such fish products under subsection (f)(3) shall be subject to random examina-

tions, inspections, sampling, and other procedures. Fish products from a nation that is not certified for such fish products under subsection (f)(3) shall be subject to such intensified examinations, inspections, sampling, and other verification procedures as the Secretary in consultation with the Secretary of Agriculture determines are necessary to ensure compliance with this Act; except that no shellfish may be entered, or withdrawn from warehouse, for consumption in the United States from a nation not certified for shellfish under subsection (f)(3).

(d) **CONDUCT OF INSPECTIONS.**—(1) An inspection under this section of any importing facility at a port of entry into the United States shall extend to all things therein (including records required to be maintained under section 106(e), processes, controls, and the premises) that bear on whether fish products are in compliance with this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Access to records may include the copying of such records.

(2) In conducting such inspections, officers or employees duly designated by the Secretary of Agriculture, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized—

(A) to enter at reasonable times any facility in which persons are engaged in the importing of fish products, or to enter any vehicle being used to transport or hold such fish products; and

(B) to inspect in a reasonable manner such importing facility or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.

(3) Upon completion of inspection and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed which indicate that any fish product in such facility is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(e) **DETENTION OF IMPORTED FISH PRODUCT.**—If during an inspection or other verification procedure carried out under this section an officer or employee conducting the procedure has reason to believe that a fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), such officer or employee may order the fish product segregated, impounded, and if objection is not made within 48 hours, condemned. If objection is made, such fish products that are in perishable form may be processed to the extent necessary to prevent spoilage, and a hearing shall be commenced expeditiously. The final condemnation or other disposition of such fish product shall be subject to the provisions of section 106(d) (2), (3), and (4).

#### (f) **AGREEMENTS WITH FOREIGN NATIONS.**—

(1) The Secretary in consultation with the Secretary of Agriculture may enter into an agreement with any nation desiring to export fish products to the United States. Prior to concluding such an agreement, the Secretary in cooperation with the Secretary of Agriculture shall evaluate the seafood safety program of the foreign nation to determine if such program is at least equal in effectiveness, with respect to fish products intended for export to the United States, to the seafood safety program established under this Act. In such evaluation, the Secretary shall consider—

(A) the potential for health, sanitary, and environmental conditions within the foreign nation to adversely affect the safety of fish products exported from such nation; and

(B) how well the seafood safety program of the foreign nation functions to minimize any adverse effects on such safety.

(2) Any agreement under this subsection with a nation desiring to export fish products to the United States shall—

(A) require that the exporting nation shall—

(i) establish and maintain a seafood safety system that is adequate to ensure that the fish products intended for export to the United States are not unsafe for human consumption under section 4 of this Act, and not adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(ii) promptly notify the Secretary of any violations of harvest restrictions or growing area closures affecting the safety of fish products exported or intended for export to the United States; and

(B) provide for such activities (whether in the exporting nation or at the port of entry during importation) by the Secretary of Agriculture, including examinations, inspections, sampling, and testing, at such stages in the growth or harvest of fish, or in the processing or handling of fish products, as the Secretary considers appropriate to ensure that the seafood safety program of the exporting nation with respect to fish products intended for export to the United States continues to be at least equal in effectiveness to the program established under this Act;

(C) provide for reciprocity with respect to the treatment of seafood imports and exports between the United States and the exporting nation; and

(D) in the case of a nation desiring to export shellfish, require such nation to establish and maintain a system for classifying, monitoring, and closing shellfish growing areas and for certifying shellfish shippers as being in compliance with the exporting nation's shellfish safety program, and promptly to notify the Secretary of any shellfish shipper whose certification is revoked by the exporting nation.

(3) If the Secretary determines that a nation desiring to export fish products to the United States has a program that is at least equal in effectiveness (with respect to fish products intended for export to the United States) to the program established by this Act, the Secretary shall, upon entry into force of an agreement under subsection (a), certify the types of fish products for which the nation maintains such a program.

(4)(A) The Secretary shall periodically or for good cause, and not less than once every 3 years, review certifications made under paragraph (3), and shall revoke the certification of any nation that the Secretary determines is not maintaining a seafood safety program that is at least equal in effectiveness to the program established under this Act.

(B) The Secretary in cooperation with the Secretary of Agriculture shall review and modify, as needed, an agreement made under paragraph (1) with any nation whose certification has been revoked under subparagraph (A) of this paragraph.

#### SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated, to carry out this Act, not to exceed \$60,000,000 for fiscal year 1993 and \$70,000,000 for fiscal year 1994.

(b) ASSISTANCE TO STATES.—Of the funds authorized to be appropriated under sub-

section (a), there are authorized to be appropriated not to exceed \$12,000,000 for fiscal year 1993 and \$15,000,000 for fiscal year 1994, for carrying out State program assistance activities under section 109.

(c) RESEARCH PROGRAM AUTHORIZATION.—Of the funds authorized to be appropriated under subsection (a), there are authorized to be appropriated not to exceed \$14,000,000 for each of fiscal years 1993 and 1994, for carrying out the research program authorized by section 203.

#### TITLE II—RESEARCH AND EDUCATION

##### SEC. 201. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) COOPERATION WITH CENTERS FOR DISEASE CONTROL.—The Secretary shall work, through the Centers for Disease Control, to include seafood in an active surveillance system, based on a representative proportion of the population of the United States, and to assess more accurately the frequency and sources of human disease in the United States associated with the consumption of seafood.

(b) PUBLIC HEALTH SAMPLING.—(1) Within 12 months after the date of enactment of this Act, the Secretary in cooperation with the Secretary of Agriculture shall establish guidelines for a sampling system under which the Secretary of Agriculture shall take and analyze samples of fish products (except that samples shall not be taken by the Secretary of Agriculture at facilities subject to inspection under sections 106 or 109 of this Act) to assist the Secretary in carrying out this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and to more accurately assess the nature, frequency of occurrence, and amounts of contaminants in fish products.

(2) Such sampling system shall provide—

(A) for the use of the Secretary and the Secretary of Commerce, statistical monitoring, including market basket studies, on the nature, frequency of occurrence, and amounts of contaminants in fish products available to consumers; and

(B) at the request of the Secretary, such other information, including analysis of samples taken by the Secretary, the Secretary of Commerce, or State programs approved under section 109, as the Secretary determines may be useful in assessing the occurrence of contaminants in fish products.

(3) The Secretary of Agriculture shall promptly notify the Secretary whenever samples of fish products analyzed under this subsection contain contaminants that exceed tolerances, standards, or action levels established under this Act or other applicable law.

(c) ASSESSMENT OF HEALTH HAZARDS.—Through the surveillance system referred to in subsection (a) and the sampling system described in subsection (b), the Secretary shall, among other things, assess health hazards associated with—

(1) fish products that are commercially harvested and processed, as compared with the health hazards associated with fish products which are harvested for recreational or subsistence purposes and prepared non-commercially;

(2) fish products that are domestically harvested and processed, as compared with the health hazards associated with fish products that are harvested or processed outside the United States; and

(3) contamination originating from certain practices that occur both prior to and after sale of fish products to consumers, including contamination resulting from the manner in which consumers handle and prepare the fish products they purchase.

##### SEC. 202. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with the National Sea Grant College Program, cooperative extension services, and appropriate State entities, shall design and implement a national public education program on seafood. The program shall provide—

(1) information to the public regarding Federal standards and good practice requirements and promotion of public awareness, understanding, and acceptance of such standards and requirements;

(2) advice to individuals involved in recreational and subsistence fisheries concerning the health hazards associated with the fish they may harvest and the precautions they should take to safeguard themselves and others from those hazards;

(3) information to health professionals so that they may improve diagnosis and treatment of seafood-related illness and advise individuals whose health conditions place them in particular risk; and

(4) such other information or advice to consumers and other persons as the two Secretaries determine will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary, in consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning seafood safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

##### SEC. 203. RESEARCH.

(a) IN GENERAL.—The Secretary and the Secretary of Commerce may conduct research to assist the implementation of this Act, including studies to—

(1) improve sanitation and seafood safety practices in the processing of fish products;

(2) develop improved techniques for the monitoring of fish and inspection of fish products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in fish and fish products;

(4) determine the sources of contamination of fish and fish products with contaminants; and

(5) develop consumption data with respect to fish products.

(b) RESEARCH ON GROWING AND HARVESTING AREAS.—The Secretary of Commerce, in cooperation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish and administer a 5-year research program to improve existing systems for monitoring and classifying fish growing areas and fishing grounds. Such program shall at a minimum provide for—

(1) development of analytical techniques to detect and characterize biotoxins and other contaminants that occur in fish growing areas and fishing grounds;

(2) an evaluation of the relationship between such biotoxins and contaminants and potential health hazards associated with human consumption of fish products from such fish growing areas and fishing grounds;

(3) an environmental assessment of the occurrence of such biotoxins and other contaminants, including the relationship between such occurrence and the presence of marine phenomena such as algal blooms;



(4) development of the ability to understand, monitor, and track the temporal and spatial distribution of such phenomena and to predict their onset and duration; and

(5) recommendations for improving the capabilities of Federal and State agencies to effectively monitor and classify shellfish growing areas, and identify and monitor fish growing areas and fishing grounds, to ensure the safety of seafood intended for human consumption.

(c) **CONTRACT AUTHORITY.**—The Secretary and Secretary of Commerce are authorized to enter into contracts and agreements with any State, university, or other person to carry out their respective activities under this section.

### TITLE III—SEAFOOD SAFETY ENFORCEMENT

#### SEC. 301. WHISTLEBLOWER PROTECTION.

(a) **PROHIBITION OF DISCHARGE FOR COMPLAINTS.**—No person shall discharge, discipline, or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because such employee (or any person acting pursuant to a request of the employee) has filed any complaint or caused to be instituted any proceeding relating to a violation of this Act or of any regulation issued under this Act, or has testified or is about to testify in any such proceeding.

(b) **WORK REFUSAL.**—(1) No person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions, or privileges of employment for refusing to perform the employee's duties when performing such duties would result in a substantial and specific violation of this Act or any regulation issued under this Act, or a substantial and specific danger to the public from fish products which are unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). In order to qualify for protection under this subsection, the employee must have sought from his or her employer, and have been unable to obtain, correction of the circumstances causing such refusal.

(2) An employee is not protected under this subsection if an inspector is present in the establishment. In those instances, the employee is protected for immediate notification to the inspector of the alleged illegal or dangerous activity.

(3) This subsection shall not create any right of refusal to work. An employee is only protected for refusing to obey an order whose implementation would constitute a violation of law or a substantial and specific danger to the public, the employee, or other workers.

(c) **EMPLOYEE RIGHTS.**—(1) Any employee who believes he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file (or cause to be filed by any person on the employee's behalf) a complaint with the Secretary of Labor alleging such discharge, discipline, or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the person named in the complaint of the filing of the complaint.

(2) The legal burdens of proof that prevail under section 1221(e) of title 5, United States Code, shall govern adjudication of protected disclosures under this Act.

(3)(A) Within 60 days of receipt of a complaint filed under paragraph (1), the Sec-

retary of labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and shall notify the complainant and the person alleged to have committed a violation of this section of the findings resulting from the investigation. Where the Secretary of Labor concludes that there is reasonable cause to believe that a violation has occurred, the Secretary of Labor shall accompany the findings with a preliminary order providing the relief prescribed by subparagraph (B). Thereafter, the person alleged to have committed the violation and the complainant may each, within 30 days after notification, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. The Secretary of Labor shall issue a final order within 120 days after the conclusion of such hearing. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) If in response to a complaint filed under paragraph (1) the Secretary of Labor determines that violation of subsection (a) or (b) has occurred, the Secretary of Labor shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position (taking into account any seasonal nature of such position) together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, and (iii) compensatory damages. If such an order is issued, the Secretary of Labor, at the request of the complainant may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(d) **JUDICIAL REVIEW.**—(1) Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within 60 days after the issuance of the order of the Secretary of Labor. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

(2) An order of the Secretary of Labor, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceedings.

(e) **CIVIL ACTION.**—Whenever a person has failed to comply with a final order issued under subsection (c)(3), the Secretary of Labor shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the district courts shall

have jurisdiction to grant all appropriate relief, reinstatement, and compensatory damages.

#### SEC. 302. RECALL.

(a) **RECALL REQUIREMENT.**—The Secretary may require any person who owns or operates a facility engaged in the processing of fish products or in the importing of fish products to recall any fish product if the Secretary finds that there is a reasonable probability that such fish product is unsafe for human consumption under section 4 of this Act, or adulterated or misbranded under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) **VOLUNTARY RECALL.**—The Secretary, in consultation with the Secretary of Commerce and the Secretary of Agriculture, shall prescribe by regulation the circumstances and manner under which a voluntarily initiated recall of fish products by a person who owns or operates a facility engaged in the processing of fish products or in the importing of fish products shall be promptly reported to the Secretary.

#### SEC. 303. PROHIBITED ACTS AND PENALTIES.

(a) **PROHIBITED ACTS.**—No person shall—

(1) sell, transport, offer for sale or transportation, receive for transportation, or otherwise dispose of, in interstate commerce any fish product that is unsafe for human consumption at the time of such sale, transport, offer, receipt, or other disposition;

(2) commit, with respect to any fish or fish product and while such fish product is being transported in interstate commerce or held for sale after such transportation, any act that is intended to cause or has the effect of causing such fish products to be unsafe for human consumption;

(3) engage in the processing or importing of fish products without being registered as required under section 108;

(4) refuse to permit entry to or inspection of any facility by any person carrying out inspection activities under this Act, or otherwise interfere with any such inspection or person;

(5) create or maintain records that are false either by content or omission, or destroy records containing information required under this Act or any regulations issued under this Act, or refuse access by a duly designated Federal officer or employee to records required under this Act or any regulations issued under this Act;

(6) engage in the handling, processing, or importing of fish products in violations of this Act or any regulations issued thereunder;

(7) label any fish product with a mark that is not authorized under this Act and that indicates compliance with any Federal safety standard applicable to fish or fish products;

(8) sell, transport, offer for sale or transportation, receive for transportation, or otherwise dispose of, in interstate commerce any fish product that is not handled, processed, labeled, or imported in accordance with the requirements of this Act or any regulations issued thereunder;

(9) fail to comply with any recall under section 302(a) or to report a voluntary recall under section 302(b); or

(10) use to such person's advantage or reveal, other than to a duly designated Federal officer or employee, or to a court when relevant in a judicial proceeding under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), any information acquired under this Act concerning any method or process which as a trade secret is entitled to protection.

(b) **PENALTIES.**—(1) Any person who violates this Act or any regulations issued

thereunder shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000. Each day of a continuing violation shall constitute a separate offense. A civil penalty under this paragraph shall be assessed by the Secretary of Commerce in the case of violations arising under section 105(b), and by the Secretary in the case of violations arising under other provisions of this Act, by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code. Before issuing such an order, such Secretary shall give written notice to the person to be assessed a civil penalty under such order of such Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In determining the amount of a civil penalty, such Secretary shall take into account the nature, circumstances, extent, and gravity of the violation of violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. Such Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be assessed under this paragraph. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(2) If a person commits a violation described in paragraph (1) with the intent to defraud or mislead, such person shall be imprisoned for not more than 2 years or fined in accordance with title, United States Code, or both.

(3) If a person is convicted under paragraph (2) of a violation, and is subject to a civil penalty for such violation or is subject to a related condemnation action under section 106 or 110, the identity of such person involved in the violation and the aggregate of any penalty imposed shall be published in accordance with section 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375) on the last business day of the quarter in which the violation was committed.

#### SEC. 304. SUBPOENAS.

For the purposes of any investigation conducted pursuant to this Act, the Secretary, the Secretary of Commerce, or the Secretary of Agriculture, as appropriate, may issue subpoenas requiring the attendance and testimony of witnesses and the production of any documentation or other evidence that relates to any matter under investigation or in dispute before such Secretary and to administer oaths of affirmations.

#### SUMMARY OF THE CONSUMER SEAFOOD SAFETY ACT

The bill calls for a comprehensive national seafood safety program under the direction of the Secretary of Health and Human Services and in cooperation with the Secretary of Commerce, the Secretary of Agriculture and the states. As under current law, the Secretary of Health and Human Services, through the Food and Drug Administration (FDA), would be in charge of the program, maintaining the FDA's existing public health authority over the safety of both domestic and imported seafood. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), would regulate harvesting areas and conduct routine inspections of domestic processors. The Secretary of Agriculture, through the Food Safety and Inspection Service (FSIS),

would inspect processors overseas, as well as imports at the port of entry. State governments would continue to have primary responsibility for shellfish programs and regulating state waters.

Elements of the programs would include:

1. Shellfish safety. FDA would administer a comprehensive federal-state shellfish safety program based on the existing National Shellfish Sanitation Program. Each shellfish-producing state would be expected to develop and implement a Federally approved program for classifying and monitoring shellfish growing waters, testing shellfish, and certifying shellfish shippers. Shellfish imports would be permitted only from nations with FDA-certified programs.

2. Federal tolerance and standards. FDA would be required to establish and implement tolerance for maximum allowable levels of chemical and biological contaminants in seafood. In addition, the bill would authorize standards for processing and handling seafood based on the Hazard Analysis Critical Control Point (HACCP) approach.

3. National inspection system. FDA and NOAA jointly would develop a domestic seafood inspection system to minimize public health hazards and enforce Federal seafood standards. NOAA would conduct inspections at a frequency required by the gravity of potential problems associated with each seafood commodity and the processor's history of compliance. The bill would require all processing facilities to participate and register with FDA. "Whistleblower" protection would be provided for employees who identify potential seafood safety problems.

4. Imported fish products. FDA and FSIS jointly would develop a program to ensure the safety of imported seafood. Seafood importers would be required to register and would be held to the same requirements as domestic producers. FDA would be responsible for evaluating foreign programs and developing inspection agreements with other nations. FSIS would conduct inspections overseas and at the port of entry.

5. Monitoring of growing and harvesting areas. NOAA would establish a monitoring program to identify the growing and harvesting locations in which contaminated fish are likely to be caught. In addition, NOAA would have authority to close federal waters, while states would close their harvesting waters pursuant to Federal guidelines.

6. State inspection and monitoring programs. The bill recognizes that federal-state cooperation is necessary to implement an effective national program and provides for technical and financial assistance to states to strengthen their programs. Inspection authority would be delegated to states that meet national requirements, and grants of up to 60 percent of the cost of operating the program would be provided by the federal government. Similar grants would be available to states with approved shellfish programs.

7. Public information and consumer education systems. The bill would set up: (a) a system to assess seafood safety problems through surveillance by the Centers for Disease Control and sampling by FSIS; (b) a national education program under FDA, Sea Grant, cooperative extension services and the states; and (c) a seafood advisory system for consumers and fishermen under FDA, NOAA, the states and the Environmental Protection Agency.

8. Research. The bill requires FDA and NOAA to develop a comprehensive research plan to address seafood safety questions. In addition, it calls for an intensive research ef-

fort to improve monitoring programs for seafood contamination caused by biotoxins and algal blooms.

9. Authorization of appropriations. The bill provides for an initial appropriation of \$60 million in FY 1993, and an increase to \$70 million in FY 1994. Current appropriation levels for seafood safety are about \$45 million. The funding authorized in the bill would cover the expected cost of the shellfish program, standard setting, monitoring of harvesting and growing areas, the Federal share of approved state programs, and research and education costs.

Mr. STEVENS. Mr. President, I am pleased to join Senators HOLLINGS, KENNEDY, LEAHY, and MITCHELL in introducing legislation to establish a National Seafood Safety Inspection Program. This bill represents a good compromise between the competing viewpoints that were debated extensively when the Senate considered seafood inspection legislation 2 years ago.

The Federal Food and Drug Administration [FDA] would be the lead agency responsible for implementing the National Seafood Safety Program established by this bill. FDA would establish the tolerances limiting the quantity of contaminants in seafood to levels that are not injurious to human health.

Working jointly with the National Marine Fisheries Service in the Department of Commerce, the FDA would also establish regulations for the processing and handling of seafood products based on the hazard analysis critical control point system. This system, commonly called HASCIP, is very similar to the system currently used in my State to ensure that seafood from Alaska is consistently safe and of the highest quality.

The National Marine Fisheries Service would be responsible for conducting routine inspections of domestic facilities that handle seafood and for monitoring the safety of fish growing and harvesting areas. If fish from a particular area are found to be contaminated, then the Secretary of Commerce is responsible for closing those areas to fishing if they are under Federal jurisdiction, and working with a State to close the area if the problem area is within State waters.

The Department of Agriculture, working under FDA's guidance, would be responsible for the inspection of all seafood imports. In addition, the Department of Agriculture would also be responsible for inspecting overseas processing plants under this legislation.

I am pleased with this compromise, Mr. President, because it recognizes the existing seafood inspection efforts of the FDA and the National Marine Fisheries Service, and also makes use of the Department of Agriculture's extensive personnel resources and overseas presence. By building upon the existing expertise and resources of each of these agencies, this bill will help to address consumer concerns about the



safety of seafood in the United States without reinventing the wheel.

And let me just say for the record, Mr. President, that many of the recent press stories which imply that American seafood is unsafe are inaccurate and misleading. The State of Alaska, which accounts for over half the fish caught in the United States, currently works closely with the FDA to implement a highly successful seafood inspection program. Last year the State of Alaska issued seafood processing permits to 711 facilities and conducted over 1,600 plant inspections. Some facilities are inspected monthly, while others are inspected quarterly.

Since 1982 there have been no cases reported to the Alaska Department of Environmental Conservation where contaminated seafood has reached the market. In fact, the program is so rigorous that a zero tolerance program was put in place in the aftermath of the *Exxon Valdez* spill to ensure that oil tainted fish did not reach consumers. If even one fish in a lot was bad, the whole lot was destroyed.

In a just-completed joint inspection of seafood plants in Alaska, the FDA and the State inspected 343 plants. Of those, none had violations requiring further regulatory action, and less than 1 percent had violations that were even considered objectionable by the FDA. Nationwide, the picture is similar. Of 3,481 seafood plants recently inspected by FDA, less than 3 percent had violations requiring further action by the Government.

More recently, the Alaska Seafood Inspection Program conducted an extensive investigation into the risk of PCB contamination in Alaskan fish. This was done in response to the recent inaccurate article in *Consumer Reports*. While the final data are not yet available, the preliminary results show that there is no risk from PCB contamination in Alaska's wild fish.

A good friend of mine, Dr. William Castelli of Massachusetts, who incidentally is the director of the ongoing Framingham heart study, was just here at the Senate yesterday speaking about the health benefits of seafood. Dr. Castelli related an interesting point that I would urge all of you to consider—a medical study of Japanese fishermen, who eat at least a pound of fish a day, showed that they live an average of 5 to 7 years longer than we do. If eating fish were bad for you because of the risk of contaminants, then why are these risks not showing up in a population that eats far more fish than we do? The answer is that the risk is minimal. The benefits of eating fish on a daily basis far outweigh the risks.

I would also point out, Mr. President, that a significant percentage of the fish consumed in Japan comes from the waters off my State. Over 90 percent of the surimi imported into Japan comes from Alaska, as does over two-thirds of Japan's salmon imports.

To my knowledge there are no contamination risks in Alaska's wild fish. To the extent that there is a serious contamination risk, it comes from areas that do not have the kind of pristine water that we have off Alaska—areas threatened by agricultural runoff or by lack of water flow, like the restricted growing area used for farm-raised fish. Or it comes from imports, where sanitation practices are not of the same caliber that they are here in the United States.

In short, Mr. President, the risk to the public from contaminated seafood is low. Certainly it is lower than for beef and poultry. Data from the Centers for Disease Control show chicken to have a risk of salmonella which is 8 times greater than for fish, while beef and other meats have a risk of salmonella which is 15 times greater than fish. This bill is a measured response to that risk. Once implemented, it will guarantee that Americans can continue to increase their consumption of fish with confidence that their health is protected.

This bill is a good start. It is my understanding that the Commerce Committee will soon hold a hearing on this legislation, and I look forward to working with my colleagues to enact this seafood inspection legislation this year.

Mr. LEAHY. Mr. President, I want to thank four of my distinguished colleagues regarding the Consumer Seafood Safety Act. It is a privilege to join with Senators HOLLINGS, STEVENS, KENNEDY, and MITCHELL in this effort. I want to recognize the honorable majority leader, Senator MITCHELL, for bringing all parties involved in the introduction of this landmark fish safety bill together. Indeed this was no small task accomplished.

Senators HOLLINGS, KENNEDY, and STEVENS also deserve a great deal of credit. I look forward to working with them, and other Members, on this important consumer issue. The bill unites the chairmen of three key committees of the Senate, and the majority leader, on this critical issue. Senator STEVENS, who stands with us, has long been a leader in this area and I appreciate this assistance and the assistance of his staff.

These four Senators and their staffs spend endless hours on this bill and their work has indeed made the introduction of the Consumer Seafood Safety Act a reality.

In recent months, the evening news has been filled with stories raising questions about the safety of our food. The recent national Academy of Science report on seafood safety devoted over 150 pages to chemical contaminants in fish, such as mercury, lead, cadmium, PCB's, dioxin, and pesticides. Consumers are scared.

Currently, less than 20 percent of American seafood is examined. Only a

small percent of the almost 4,000 seafood processors, including wholesale plants, participate in these voluntary inspection programs.

Food safety is not just a media issue. American consumers are concerned and worried. We have one of the safest food supplies in the world but we can make the best better.

This is particularly important now that more and more health-conscious Americans are choosing fish. This is why fish consumption was at an all time high in 1987. And it's fallen since 1988, in part due to consumer concerns.

While mandatory Federal inspection cannot completely eliminate all contaminants from the marketplace, it will make our seafood safer and reduce the risk of illness to consumers.

No longer will consumers have to guess whether or not the fish they eat is safe. For the first time, they will be able to buy seafood that passes the safety test.

The Consumer Seafood Safety Act relies on the expertise of three Federal agencies: Food and Drug Administration [FDA]; U.S. Department of Agriculture [USDA]; and the National Oceanic and Atmospheric Administration [NOAA] of the Commerce Department. By building on the strength of each agency, the act directs each agency to do what it does best. The Federal Government, in partnership with States, should work together to assure the safety of seafood.

The Consumer Seafood Safety Act also provides a key role for the States by permitting them to establish their own inspection programs. To ensure consumer confidence nationwide, State programs must meet the minimum national standards established in the act.

This legislation has strong consumer and industry support because it combines protecting consumers and safeguarding our domestic fish industry.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators HOLLINGS, STEVENS, LEAHY, and MITCHELL in sponsoring the Consumer Seafood Safety Act. This legislation proposes a mandatory, federally funded fish inspection program that will safeguard the interests of fishermen, processors, retailers, and consumers.

In recent years, Americans have been steadily increasing their consumption of fish, which is one of the healthiest sources of low-fat protein. Over the last decade, consumption of fish products has increased almost 25 percent. However, potential health hazards caused by chemical and microbiological contamination have heightened concerns about the safety of seafood products.

While the overall quality of these products remains high, it is vital that we provide the public with a clear guarantee of the safety of those products. An inspection program will also help fishermen and processors by re-

solving continuing concerns about seafood safety that threaten to undercut the industry.

Currently, a patchwork of State and Federal programs now attempts to monitor the safety of fish, and this patchwork is clearly not the best way to protect the public health. The inspection program in this legislation acknowledges the unique public health issues associated with fish products and ensures food safety while establishing equitable standards for the fishing industry.

To the maximum extent possible, this bill will build on existing capabilities in the Food and Drug Administration, the Department of Commerce, and the Department of Agriculture. The legislation instructs the Secretary of Health and Human Services, through the FDA, to establish and implement tolerances for maximum allowable levels of chemical and biological contaminants in fish products. The legislation also instructs the Secretary of Health and Human Services, in cooperation with the Secretaries of Commerce and Agriculture, to develop inspection systems for both domestic and imported fish and seafood products.

The FDA will have oversight and enforcement responsibilities for the inspection systems for both domestic and imported fish products. This oversight is critical if the FDA is to maintain its current public health responsibilities.

The legislation also recognizes the vital role played by the States in assuring the safety of fish products, by providing technical and financial assistance to States to strengthen their inspection and monitoring programs. Inspection authority could be delegated to States that meet Federal standards and requirements. Grants to the States could cover up to 60 percent of the cost of operating the programs. In addition, each shellfish-producing State would be expected to develop a federally approved program for monitoring shellfish waters, certifying shellfish shippers, and testing shellfish.

The legislation also includes an important innovation in assessing food safety—the hazard analysis critical control point method. This scientifically based approach recognizes the unique nature of the fishing industry, and the diversity of fish processing facilities, by identifying those points during processing which are most critical to maintaining safe fish products.

Unlike traditional inspection procedures, this inspection method does not rely on the continuous presence of Federal inspectors to assure that adulterated or contaminated products are kept off the market. Therefore, it is essential that employees involved in processing operations be free to report violations of law, without fear of losing their jobs or being disciplined unfairly. It is equally important that no employee be required, under the threat of

discipline or discharge, to participate in activities that would create a threat to the public health.

The inspection method required by the bill means that private employees, in effect, are deputized to act as Federal inspectors during those periods when no inspector is actually present in a facility. For this reason, it is essential that these employees receive the full protections extended to Federal inspectors under the Federal Employee Whistleblower Protection Act of 1989. Our proposed legislation guarantees those protections for employees who blow the whistle on health or safety violations.

The legislation proposed today by Senator HOLLINGS represents an extraordinary bipartisan effort by the majority leader and members of the Commerce, Labor, and Agriculture Committees. This legislation will fill a serious loophole in our food safety laws. Consumers deserve to have the highest confidence in fish products from U.S. waters. This important legislation is needed to assure that confidence, and I look forward to its passage by the Senate.

Mr. COHEN. Mr. President, I strongly support the Consumer Seafood Safety Act of 1992. I believe it represents a balanced approach to establishing a mandatory seafood inspection program.

The need for a mandatory seafood inspection program is clear. Seafood consumption is no longer limited to coastal and shoreside communities. It has become a main plate item, like beef, pork, and poultry, with more and more Americans enjoying seafood each year. Unlike meat and poultry, however, seafood is not required to be inspected under Federal law. The result of this anomaly has been a growing consumer apprehension regarding the safety of seafood products.

When American consumers see hospital waste washing up on beaches or oil spills blanketing stretches of shoreline, they understandably start to wonder whether food from the sea is safe to eat. Recent articles in several newspapers and magazines as well as televised news accounts have highlighted some of these problems.

Consumers become more apprehensive about seafood when they learn that, unlike meat and poultry products, seafood is not subject to mandatory Federal inspection.

While careful studies by the Center for Disease Control in Atlanta and by the National Academy of Sciences show that the problems associated with seafoods are primarily limited to a few types of products, a comprehensive inspection program would assure all consumers that whatever seafood product they purchase is wholesome.

The legislation we are introducing today is the result of several years of intense study and negotiations between the fishing industry, consumer groups,

other food industry groups, and State and Federal Government agencies. Every participant in this process has added constructively to produce a bill that enjoys broad support and offers the best hope ever for establishing an inspection program.

There have been many attempts in Congress over the past two decades to establish a mandatory seafood inspection program. In fact, in the 101st Congress the Senate and the House each passed a mandatory program. Unfortunately, these bills were incompatible and a compromise was not possible at that time. I am very pleased that the bill we are introducing today enjoys wide support in the Senate. This offers great promise that a Federal mandatory inspection program will finally become a reality.

The inspection program provided for in this bill would draw upon the expertise of three Federal agencies. The Department of Health and Human Services [HHS] would take the lead in establishing the program, in cooperation with the Secretary of Commerce, the Secretary of Agriculture, and the States. HHS, through the Food and Drug Administration [FDA], would oversee the program. The Commerce Department, through the National Oceanic and Atmospheric Administration [NOAA] would monitor harvesting areas and conduct routine inspections of domestic processors. The Department of Agriculture would inspect processors overseas, as well as imports at the point of entry.

The program will employ an inspection methodology, known as hazard analysis critical control points [HACCP]. This means that, unlike meat and poultry inspection programs which are continuous, seafood inspection will focus only on those points where the greatest threats to food safety exist. To continuously inspect seafood would simply be too costly and too cumbersome because, while meat and poultry are processed at centralized locations, seafood is processed at thousands of different locations throughout the country. HACCP principles were developed by the National Academy of Science and will ensure a safe and wholesome supply of seafood.

The inspection program will be Government-supported. Seafood inspection, like meat and poultry inspection, is a public health issue. The Government currently supports meat and poultry inspection programs. It would simply be intolerable to require the seafood industry to pay for seafood inspection while other programs are Government-supported.

Finally, imported seafood will be held to the same inspection standards as domestically harvested products. It is critical that domestic and imported seafood be treated the same in order to insure the safety of seafood products.

The time for a mandatory seafood inspection program is now. There is un-



precedented support for this bill. The benefits of this legislation will reach far beyond the fishing community. It will serve every American consumer by assuring a safe and wholesome supply of seafood. The proposed inspection program will restore consumer confidence without subjecting the fishing industry to unworkable and unreasonable regulations.

Finally, I want to commend my friend and colleague from Maine, Senator MITCHELL, as well as Senator STEVENS, Senator HOLLINGS, Senator LEAHY, Senator KENNEDY, and Senator KERRY for their commitment to this issue. This legislation represents several years of hard work which I am confident will prove worthwhile through its passage.

Mr. MITCHELL. Mr. President, I am today pleased to join in introducing legislation to establish a comprehensive and mandatory Federal fish inspection program.

This bill is an important step forward for American consumers and American commercial fishermen. It represents a compromise and a coming together within the Senate. It also is a clear signal to both the administration and the House of Representatives of our intention and desire to work together on a bipartisan basis to enact into law a program that for too long has been "the fish that got away."

I greatly appreciate the leadership and cooperation of Senator HOLLINGS, chairman of the Commerce Committee; Senator LEAHY, chairman of the Agriculture Committee; and Senator KENNEDY, chairman of the Labor Committee, who have worked with me in seeking this bill.

I also acknowledge the important leadership of Senator STEVENS and Senator COHEN, who traditionally have shared my concern for the commercial fishing industry. In 1989, Senator STEVENS worked especially closely with Senator COHEN and myself in formulating a legislative strategy that led to the enactment of legislation that was important to New England lobstermen, the so-called Mitchell bill. Senator STEVENS support was instrumental in securing the President's signature for enactment of that bill. It is my sincere hope that his powers of persuasion will be equally effective in this current effort.

In working together in 1989 on the lobster provisions of a broader fisheries bill, Senator STEVENS and I recognized that the east and west coast fishing industries must often "stand or fall together." That principle is equally applicable to the fish-inspection issue.

Whether it is in the Gulf of Maine or the Gulf of Alaska, American fishermen face common challenges. The waters of both regions are relatively very clean. We are confident of the wholesomeness of Maine and Alaska seafood. However, an oil spill in Prince William

Sound can send tremors that register in Casco Bay—and throughout our seafood industries.

For too long, there has been a credibility gap in the Federal Government's food safety net. Fish are the only major food entree that are not subject to a comprehensive, mandatory inspection program. At the same time, fish's competitors, meat and poultry, are subject to such a program, operated and paid for by the Federal Government.

That is not fair to American fishermen. And it is not fair to American consumers.

Whatever affects the quality of seafood, and whatever affects the confidence of American consumers in the marketplace, ultimately affects the livelihoods of all American fishermen.

Maine seafood especially has a reputation for freshness, quality, and wholesomeness. But the livelihoods of Maine fishermen often are affected by concerns over which they have no control.

In 1970, the Senate first passed a fish inspection bill, of which Senator KENNEDY was a principal author. That bill died in the House of Representatives. In 1990, during the 101st Congress, the Senate passed a second bill authored by Senator LEAHY and myself. Just before the 101st Congress adjourned, the House of Representatives passed a substitute bill that included some features of a bill offered by Senators HOLLINGS and STEVENS, which the Senate had considered but rejected. Time ran out before the provisions of the Senate and House bills could be reconciled.

The 1990 debate was made more difficult by the opposition of the administration—and by conflicts similar to those which killed the 1970 legislation, which have less to do with the circumstances of the seafood industry than with other policy agendas. Those conflicts have resulted in over a 20-year gap in the Federal Government's consumer protection programs. The only result has been unfairness to American consumers and American fishermen.

The legislation which we are introducing today incorporates approaches offered in both Senate bills from the 1990 debate—and moves significantly toward the positions of both the House of Representatives and the administration. It represents a spirit of compromise that I hope will be reciprocated so that we can proceed to enact into law a program that is long overdue.

The bill includes several key features:

It establishes the Food and Drug Administration [FDA] as the lead agency for the Federal program, while relying also on the Department of Agriculture and the Department of Commerce in the conduct of inspections.

It establishes a division of labor that can rely on the strengths of each agen-

cy—and will ensure equal coverage of both domestic and imported products. FDA will set standards. The Department of Commerce's National Marine Fisheries Service will conduct domestic inspection. And the Department of Agriculture will inspect imports and under agreements with foreign nations inspect foreign processing facilities.

It reflects the principle of hazardous analysis critical control point [HACCP] methodology, recommended by the National Academy of Sciences and pioneered under NMFS's model seafood surveillance project [MSSP]. Inspections will be based on reasonable risk assessments.

It recognizes the necessity of Federal-State cooperation. Federal authority will be delegated to State programs meeting national requirements, with up to 60 percent of operating costs to be provided by the Federal Government. It also will build on the interstate shellfish sanitation conference [ISSC], and address concerns for shellfish as a priority.

The Department of Commerce will have the authority to establish standards for fishing vessels either as regulations or voluntary guidelines—but only to the extent that they are necessary, represent the only practicable alternative, and cause the least disruption to fishing operations.

The bill similarly recognizes the unique characteristics of the fishing industry and provides for less than continuous inspection. At the same time, public health concerns will be safeguarded by whistleblower protections.

Fish inspection is a complex issue. It will require close consideration of many technical issues as the legislative process unfolds.

The bill we are introducing is comprehensive and detailed. Its essential compromise on agency jurisdictions represents a basic structural foundation. But it is only a starting point.

We invite the comments and cooperation of all interested parties as work on the bill continues. There are many difficult issues which still will need to be addressed. Our hope is to achieve reasonable, balanced, and fair legislation. That may require additional, difficult compromises. I welcome the participation of all parties and ask for the same open-minded flexibility that the sponsors of this legislation have demonstrated. After 20 years, the time for such legislation is overdue.

I am grateful for the encouragement of the National Fisheries Institute and Public Voice for Food and Health Policy, and the leaders of Maine's fishing industry: including the Maine Sardine Council, the Maine Fishermen's Cooperative Association, the Maine Lobstermen's Association, and the Maine Aquaculture Association. Their cooperation and patience has been important in allowing us the opportunity to achieve a basic compromise. It is an

important first step. There are many additional steps to be taken before this legislation can be enacted into law. I welcome their participation as the process continues.

By Mr. MOYNIHAN:

S. 2539. A bill to authorize the construction of the William B. Hoyt II Visitor Center at Mount Morris Dam in Mount Morris, NY; to the Committee on Environment and Public Works.

WILLIAM B. HOYT II VISITOR CENTER

• Mr. MOYNIHAN. Mr. President, last week I rose to mourn the passing of Assemblyman William B. Hoyt II of Buffalo, NY, an extraordinary man of extraordinary political abilities. I spoke then of a project we worked closely on together to protect a section of the Genesee River Gorge in Letchworth State Park.

The U.S. Army Corps of Engineers' Buffalo District owns and operates the Mount Morris Dam in the Letchworth Gorge. For several years the corps has planned to develop a visitors reception center at the dam. There will be wildlife exhibits, self-guided nature trails, scenic overlooks of the gorge and dam, interpretive panels explaining the geology of the area, and tours of the dam.

With this in mind I rise to offer a bill which will designate this structure as the "William B. Hoyt Visitors Center" and provide sufficient sums to see that the project is completed. There are presently no corps visitor centers in the Buffalo district. The Hoyt family believes this will be a fitting memorial to Bill. My good friend and colleague in the House of Representatives, HENRY NOWAK, will introduce companion legislation.

Congressman NOWAK and I know that the good people of Buffalo are also developing plans to honor Bill Hoyt's memory. We do not want to distract them in their efforts. Assemblyman Hoyt's contributions to the people of the State of New York and to local government were many, and this is but the Congress' way of showing its appreciation. The visitors center will provide a place to learn about and enjoy the magnificent surroundings to which Bill Hoyt dedicated such a good part of his life to preserving.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point and that it be appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MOUNT MORRIS VISITOR CENTER.

(a) IN GENERAL.—

(1) CONSTRUCTION OF VISITOR CENTER.—The Secretary of the Army is authorized and directed to construct a visitor center at Mount Morris Dam in Mount Morris, New York. Such visitor center shall be known as the "William B. Hoyt Visitor Center".

(2) CONDITIONS OF CONSTRUCTION.—The William B. Hoyt Visitor Center shall be constructed—

(A) at full Federal expense; and

(B) in accordance with the alternative designated as "Alternative 2" in the interpretive development prospectus for the visitor reception area prepared by the Buffalo district of the Army Corps of Engineers and dated February 22, 1991.

(3) REFERENCES IN OTHER LAW.—Any law, regulation, document, or record of the United States in which such visitor center is referenced shall refer to the visitor center as the "William B. Hoyt Visitor Center".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Army, to remain available until expended such sums as may be necessary to carry out this section.

By Mr. COATS (for himself, Mr. COCHRAN, Mr. GORTON, Mr. LUGAR, and Mr. SMITH):

S. 2540. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

#### INDIVIDUAL MEDICAL SAVINGS ACCOUNTS

• Mr. COATS. Mr. President, I rise today with the support of Senators COCHRAN, GORTON, LUGAR, and SMITH to introduce S. 2540, a simple and fresh approach that offers a new way to deliver health care in the United States of America. Through the use of individual health savings accounts, S. 2540 offers a way to contain health care costs and widen access through individual responsibility.

Mr. President, today it is becoming strikingly clear that the delivery of health care in the United States of America needs to be reformed. The status quo is unacceptable. I am convinced the real dividing line in this debate is whether Government control of health care is the answer or whether solutions are to be found in the choices of the private sector. One road to reform offers less regulation and more competition. Unfortunately, many of the other choices before us offer the road of increased regulation and more competition. Unfortunately, many of the other choices before us offer the road of increased regulation and government involvement—a direction we should not travel.

Healthsave would function similar to an individual retirement account by allowing individuals to save tax free for incidental medical expenses. Health care insurance would be used for its fundamental purpose—large medical expenses. Under Healthsave, the employer would be encouraged—not mandated—to purchase an umbrella policy for large medical bills to cover the costs of catastrophic events. Healthsave would then allow an em-

ployer to provide each worker an allowance for medical care—up to \$3,000 which would be adjusted to inflation. With the \$3,000, an employee could purchase additional coverage and have resources to cover deductibles.

Any money left unspent would belong to the employee. Unlike section 125 of the Internal Revenue Code, the employee would not be forced to use it or lose it. Instead, money not used for health care could accrue tax free in the health savings account, similar to an IRA, and be used for future medical expenses, long term care, or retirement.

Let me put this in human terms. Recently, a Indiana resident explained she had \$1,200 deducted from her salary and transferred to her flexible spending account [FSA] for both her and her family's medical expenses.

When her husband needed additional medical treatment, the cost was \$3,000. Thus, within the first 3 months of 1992, all the money in her flexible spending account is gone, her \$600 deductible has been met, and health coverage for the rest of the year will come out of her pocket or another insurance policy.

This Hoosier resident also mentioned that 1 year ago, she could have left several hundred dollars in her FSA. However, instead of being able to apply it to this year's expenses, the current IRS Code forced her to spend all this money by the end of the year—or see it revert back to the employer.

Clearly a change is needed. Healthsave allows money unused over the course of a 1 year to remain in an IRA for use in meeting future medical needs. For people like this Hoosier constituent, this means keeping money left over at the end of the year for future medical needs.

Another example is a woman from Indianapolis who called a local hospital to find out the cost of a mammogram. When told the cost would be \$250, she asked if the hospital ever offered specials—and was told that during Mother's Day week, the price dropped to \$50. If Healthsave were in effect, this kind of competitiveness would increase—and the quality and cost savings available to health care consumers would increase accordingly. Healthsave would enable this constituent to choose her own doctor, make her own health decision, and would provide financial incentives for a healthier lifestyle.

Mr. President, as I close I would be remiss if I do not mention a core element behind our health care problems today. We are paying a high price for our social and behavioral attitudes, our personal lifestyle decisions. These must be changed if we are to truly contain and reduce our Nation's health care costs.

First, at 13.8 per 100,000, the male homicide rate in the United States is more than 12 times that of Germany and 5 times that of Canada. In America, we pay over \$4 billion in health care costs for gunshot wounds.



Second, more than 25 percent of our Nation's 10,000 to 15,000 spinal cord injuries each year are a result of violent assaults. The lifetime cost of quadriplegia treatment and rehabilitation for these patients is estimated at \$600,000 per patient.

Third, two out of three deaths in the United States can be linked to tobacco use, alcohol use and abuse, high blood pressure, overeating, accidental injury, and lack of preventive care.

Fourth, over 100,000 AIDS cases and 200,000 reported cases of the HIV infection have taken place in our country. The cause of most of these cases have been traced to drug abuse and unsafe sex. In 1989, the United States incidence of AIDS was more than three times that of Canada and six times that of West Germany. The estimated lifetime costs of treatment for these patients in the United States is nearly \$85,000 per patient.

Last, our Nation is paying a high price for the birth of babies born addicted to drugs—crack babies. There are currently close to 375,000 drug exposed babies in the United States. The treatment for each child is \$63,000 for just the first 5 years. This is a negligible problem for our neighbor to the north—Canada.

These statistics show us, Mr. President, that some of the reasons for the exceedingly high rise in health care costs are rooted in social problems—problems of character. While Healthsave offers a way to strengthen individual responsibility, I am convinced no legislative solution provides a silver bullet. When these deeper social problems are addressed—if they are addressed—only then will true health care costs decline. This will take place in families that transmit values, churches that raise a moral standard, and changes in the hearts and minds of the American people. The answer to our current dilemma will be found more in our hearts, values, and priorities, rather than our heads. As Daniel Callahan, the director of the Hastings Center stated so eloquently:

This Nation's health care problems won't be solved by efficiency, HMO's, technology, cost controls, laws, competition, or national health insurance. We must change our values, habits and desires since these are the real forces driving our Nation's increasing health care bill.

Mr. President, we must become wiser in the way we live and the way we purchase health care. We must begin to be more honest, begin to be more realistic, and begin to have the courage to face the real causes of the health care cost dilemma. To accomplish this goal, we need to accept personal responsibility for choices that determine our health and realize that health services do not naturally ensure good health.

Healthsave is tailored to provide the incentives to make health care more affordable and accessible, without

heavyhanded Government controls. Healthsave offers a chance to prevent intrusive, inefficient Government regulation that tries to micromanage the delivery of medicine.

The economics are quite simple, as University of Delaware professor, Laurence S. Seidman notes:

No sector can remain free of Government micromanagement if its product is free to most consumers. When a product is free—when there is no consumer cost sharing—demand escalates, cost escalates, and Government must come in to try to get the sector under control. Such micromanagement has already begun for Medicare patients. Like a disease, it will gradually spread to all patients.

In sum, Mr. President, I encourage health care reform that would enable people to choose their own doctors, make their own health care decisions, and give them financial incentives for a healthier lifestyle. I advocate a road to reform that leads to less regulation and less Government involvement, health care reform that leads away from the red tape jungle of Washington, DC. As we renew our efforts to form a national health care strategy, I ask each member of this body to give S. 2540, Healthsave, their strong consideration.

• Mr. LUGAR. Mr. President, I rise today to speak in support of a bill being offered by my junior colleague from Indiana, Senator COATS. Senator COATS' proposal provides for the establishment of tax free individual medical savings accounts for employees. This measure offers employees incentives to engage in a healthier lifestyle, to refrain from unnecessary medical treatment, and to shop for medical care based on quality and cost.

We are fortunate in the United States to have the best medical care in the world. Our physicians, our hospitals, our medical technology, and our pharmaceutical drugs are second to none. However, while 85 percent of Americans have health coverage of some type, there are still those who lack adequate access to our health care system. This issue must be addressed in any reform effort we undertake.

We are also paying for the best medical care in the world. Part of the reason for the rise in medical care spending is that there is little incentive for individual policyholders to keep costs down. By making employees financially responsible for their health care decisions, the Coats proposal encourages employees to treat their medical spending the same way they treat spending for any other consumer good, such as the purchase of groceries, a car, or a home.

Currently, employers pay an average of \$4,500 in insurance premiums to cover an employee and his or her family. Under this proposal an employer would be allowed to give each employee an annual allowance of \$3,000. This \$3,000 would be used by the employee and family for routine health

care, such as checkups, flu shots, and so forth. This allowance would go into an employee account—a sort of medical IRA. Any funds unexpended by year's end would roll over into the account for the next year, and could be withdrawn by the employee for non-medical purposes with a tax penalty assessed. The employer would also provide an umbrella group plan for catastrophic coverage.

Current law does not allow employers to offer such a program. Now, health care costs are only tax deductible if the money is spent by the employer. Mr. President, I support the medical IRA approach because it puts the responsibility for routine health care where it belongs, with the individual. I think we will reap enormous benefits from such a shift in thinking, both in a greater emphasis on prevention and in lowered costs and enhanced access and quality within the system.

I commend my colleague from Indiana for the foresight he has shown in endorsing such an approach, and I will work with him to see that this proposal gets a fair hearing as the health care debate continues.

• Mr. SMITH. Mr. President, I rise today to express my support for the Healthsave plan introduced by my good friend from Indiana, Senator COATS. I have signed on as an original cosponsor to this legislation because I believe that it is a responsible and well thought out response to the skyrocketing health care costs our Nation is currently facing.

In 1980, the United States spent about \$250 billion, or 9 percent of the gross national product, on health care. In 1990, we spent over \$660 billion, almost 12 percent of our gross national product, on health care. These costs continue to rise at an alarming rate.

Several of my colleagues have suggested that the time has come to institute a single-payer system such as the one employed by the Canadians. Such a nationalized plan, they say, would allow the Federal Government to set expenditure targets and eliminate overhead costs in order to hold costs down. I disagree with this notion. Aside from the attendant drawbacks of nationalized care, such as long waiting lists for routine surgery, unfilled beds, rationed care, and strangling red tape, Canada's health care delivery system suffers from a rate of inflation that exceeds our own. If Canada, with a population a tenth of our own, cannot hold down costs after over 20 years of experience with a nationalized system, we certainly cannot.

I believe that the main reason why our current system and the Canadian system fails to rein in runaway health spending is that both remove the consumer from the decisionmaking process. When the tab for health care is picked up by a third party, the Government in Canada, and employers or Med-

icare and Medicaid for the great majority of Americans, the consumer has no incentive to keep his or her own health costs in check. For most Americans, there is no financial reward for staying healthy, seeking preventative care, and shopping around for the best care available at the lowest prices.

To put this in perspective, compare health insurance with automobile insurance. If I drive recklessly, get several speeding tickets, and cause an accident or two, my irresponsible behavior will be greeted by a higher car insurance premium. It is to my financial advantage to drive carefully, avoid speeding, and wear my seatbelt. If someone else were paying for my insurance, however, I might not have the same incentive. The same is true of health insurance; with another party bearing the responsibility for any costs, individuals have no incentive to keep themselves from incurring expensive health care bills.

That is what Healthsave is all about: Responsibility. It places the responsibility of health care costs where it should be: On the consumer. With a medical IRA, the consumer, not a third party, will have to make decisions that will have a direct financial impact on themselves. Individuals who lead healthy lifestyles and seek routine preventative care will be rewarded with accruing balances in their IRA, which can be used to defray future medical costs or long-term care expenses. By working to hold down their personal health costs, individuals will help our country hold down our overall health costs.

In addition, Healthsave will also unleash market forces onto the health care delivery system. Today's system encourages providers to bill for as many services as possible. With millions of individual consumers shopping around for quality care at low prices, providers will have to find ways to cut overhead costs and provide care in an efficient manner.

Our Nation's health care system is ill, Mr. President, not dead as some of my colleagues maintain. The answer is not to ship it off to the morgue and replace it with a whole new plan, but to give it a dose of good old-fashioned competition and individual responsibility. The result will be a system that maintains the strengths currently enjoyed by Americans, such as quality and choice, while providing the access and the lower costs that Americans demand. I urge all my colleagues to lend their support to this innovative Healthsave plan. •

By Mr. DURENBERGER:

S. 2542. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figures; to the Committee on Finance.

#### DUTY ON CERTAIN ACCESSORIES AND FIGURINES

Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend until January 1, 1995, the duty imposed on internally lighted porcelain or ceramic miniature buildings and structures which are designed and sold primarily for display during the Christmas holiday season. This duty suspension would be applicable, but not limited to, cottages, houses, and churches and associated porcelain or ceramic miniature figures depicting people, animals or other objects.

There is no American producer of Christmas houses comparable to these articles; no American will lose his or her job or be otherwise adversely affected by this legislation. Yet, those that will benefit will be the many American consumers who buy the porcelain or ceramic Christmas pieces each year. Plus, more than 100 employees of the company that designs and imports the Christmas house will benefit from steady growth through expanded sales.

Mr. President, this legislation is very specific. It will not let into the United States every ceramic or porcelain product made abroad; it will not create a huge hole in our tariff system. Only those articles that are miniatures of buildings, lighted, and intended for display during the Christmas holiday season will be eligible for duty-free treatment under this bill.

The primary designer and distributor of these products is a constituent of mine, Department 56, located in Eden Prairie, MN. This small, but growing company pays a significant duty on the porcelain and ceramic Christmas houses it brings into the United States. Because of an arbitrary Customs Service decision, however, the amount of duty the company must pay, for a product which is only commercially produced outside the United States—will go up.

Let me make one thing very clear, Mr. President, the Christmas houses imported by Department 56 are festive and seasonal in nature. The Department 56 Christmas houses are primarily designed for and advertised as products to be displayed during the Christmas holiday season. The collections which Department 56 sells have Christmastime themes, such as the North Pole collection and Alpine Village. The Christmas houses are seldom, if ever, used year-round by the consumer. Instead, they are like Christmas ornaments or nativity scenes; they are taken out each Christmas, set on a table or mantle and admired. Then, once the season is over, the houses are packed away, not to be seen, until the next Christmas. In a very real sense, Department 56's Christmas houses can be considered secular nativity scenes.

Thus, Mr. President, believing that the consumer and the American de-

signer and importer will be benefited and no American job adversely affected, I introduce this legislation and urge its favorable consideration by my colleagues.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 25

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 447

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 761

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 761, a bill to reduce hazardous pollution.

S. 810

At the request of Mr. HARKIN, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 810, a bill to improve counseling services for elementary school children.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1100, a bill to authorize the Sec-



retary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1372

At the request of Mr. GORE, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1423

At the request of Mr. DODD, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1451

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal cleanup program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Louisiana [Mr. BREAU], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1627

At the request of Mr. FORD, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1650

At the request of Mr. KERRY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1650, a bill to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes.

S. 1830

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a co-

sponsor of S. 1830, a bill to require Senators and Members of the House of Representatives to pay for medical services provided by the Office of the Attending Physician, and for other purposes.

S. 1862

At the request of Mr. GRAHAM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1862, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 2085

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2100

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2100, a bill to amend the Internal Revenue Code of 1986 to encourage the development of renewable energy and the conservation of energy, and for other purposes.

S. 2202

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2202, a bill to amend the Internal Revenue Code of 1986 to provide that farm land adjoining a principal residence qualifies for the one-time exclusion of gain from sale of such residence.

S. 2205

At the request of Mr. LEAHY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2205, a bill to amend the Public Health Service Act to provide for the establishment or support by States of registries regarding cancer, to provide for a study regarding the elevated rate of mortality for breast cancer in certain States, and for other purposes.

S. 2206

At the request of Mr. KASTEN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2206, a bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to expand the social security exemption for election officials and election workers employed by State and local governments.

S. 2211

At the request of Mr. NICKLES, the name of the Senator from Florida [Mr.

GRAHAM] was added as a cosponsor of S. 2211, a bill to amend the Internal Revenue Code of 1986 to eliminate tax penalties that apply to oil and gas investments, and for other purposes.

S. 2247

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2247, a bill to amend the Department of Housing and Urban Development Act to prohibit the Secretary of Housing and Urban Development from making lump sum relocation assistance payments, except under certain circumstances.

S. 2322

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2322, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2327

At the request of Mr. HATFIELD, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. COHEN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. SMITH], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2384

At the request of Mr. COATS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2384, a bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes.

S. 2487

At the request of Mr. INOUE, the name of the Senator from Hawaii [Mr.

AKAKA] was added as a cosponsor of S. 2487, a bill to provide for the regulation of imports of fresh cut flowers by measures in addition to existing duties.

S. 2511

At the request of Mrs. KASSEBAUM, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2518

At the request of Mr. DODD, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2518, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 2520

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2520, a bill to support efforts to promote democracy in Haiti.

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 241

At the request of Mr. SPECTER, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 241, designating October 1992 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the name of the Senator from Montana

[Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. PELL], the Senator from Texas [Mr. BENTSEN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. HEFLIN], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Virginia [Mr. WARNER], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Rhode Is-

land [Mr. PELL], the Senator from Illinois [Mr. DIXON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from North Carolina [Mr. SANFORD], the Senator from Michigan [Mr. RIEGLE], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 279

At the request of Mr. BIDEN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 279, a joint resolution designating April 14, 1992, as "Education and Sharing Day, U.S.A."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. KERRY, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Oklahoma [Mr. BOREN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 246

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 246, a resolution on the recognition of Croatia and Slovenia.



SENATE CONCURRENT RESOLUTION  
107—RELATIVE TO AN  
ARMS EMBARGO AGAINST  
BURMA

Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. SIMON, and Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas, since 1962, Burma, known as the Union of Myanmar, has been ruled by a military dictatorship;

Whereas the founding of the State Law and Order Restoration Council (SLORC) in 1988 signalled a crackdown against pro-democracy demonstrators and anti-government insurgents;

Whereas independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and other groups document widespread and continuing human rights violations against students and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas those organizations agree that SLORC abuses against the people include egregious actions such as arbitrary arrests, torture sometimes leading to the death of those in custody, compulsory labor such as forced portering for the military, and unfair trials before military tribunals;

Whereas the United Nations Human Rights Commission on March 3, 1992 voted a unanimous resolution condemning Burma for human rights violations and appointing a special rapporteur to give a public report to the next meeting of the United Nations General Assembly and Human Rights Commission;

Whereas the United States Department of State classifies Burma as having one of the worst human rights records in the world;

Whereas in democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy;

Whereas the National League for Democracy is led by the 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi who has been under house arrest since July 1989;

Whereas the United States recognizes the individuals who won the 1990 elections as the legitimate representatives of the Burmese people;

Whereas despite the clearly expressed will of the people of Burma, the military regime headed by generals Saw Maung and Ne Win has refused to transfer power to the people's elected representatives;

Whereas according to the 1992 International Narcotics Control Strategy Report published by the Department of State, the production of illicit drugs in Burma has doubled since the formation of the SLORC in 1988;

Whereas, according to the same Department of State report, Burma is the world's largest source of illicit opium and heroin, producing 60 percent of the world's supply;

Whereas, Since 1989, the SLORC has provided both military and economic support to drug trafficking groups and allows them to produce and trade illicit drugs at their will;

Whereas the majority of all opium and heroin produced in Burma is exported to the United States;

Whereas drug use in the United States has contributed to or directly caused the death of thousands of Americans, especially young people and the urban poor;

Whereas the SLORC military regime used proceeds from the sale of illegal narcotics to purchase \$1,200,000,000 of arms in 1991 from the People's Republic of China;

Whereas it has been reported that the SLORC purchased these arms through the Chinese Polytechnologies Corporation which is managed by Deng Xiaoping's son-in-law;

Whereas the Chinese arms purchased by the Burmese military regime include tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns, and other assorted arms;

Whereas the SLORC uses Chinese arms to wage war against the pro-democracy forces, including groups such as the Democratic Alliance of Burma and the All Burma Student Democratic Front;

Whereas SLORC armed suppression includes the murder of thousands, the rape of women and young girls, and the enslavement of men, women, and children as porters in Burma army campaigns against minorities and pro-democracy forces;

Whereas the SLORC uses Chinese arms to wage war against ethnic minorities and religious groups, including the Karen, Kachin, and Rohingya;

Whereas, in July 1991, the European Community announced a total arms embargo against Burma;

Whereas, in December 1991, the European Community announced withdrawal of military attaches from Burma;

Whereas SLORC suppression of human rights is forcing tens of thousands of Burmese people to flee to Bangladesh and Thailand;

Whereas, in March 1992, United Nations Secretary General Boutros-Ghali declared the mass exodus of tens of thousands of Burmese people to Bangladesh as threatening to regional stability and called upon the Burmese military regime to rectify the causes of the tragic situation there; and

Whereas the cycle of narcotics sales and arms purchases must be broken: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) the President should seek an international arms embargo against the Burmese military regime until power has been transferred to a legitimate, democratically elected government; and

(2) the President should instruct the Secretary of State to call privately and publicly for an end to China's military sales and economic support to the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. HELMS. Mr. President, this last September, in the Communist Chinese town of Wanting, on the border of Burma, a series of events occurred that had serious consequences for the United States. Both Communist Chinese and Burmese military officers descended upon that small village and ordered that all villagers be confined in their homes.

Shortly thereafter, two lines of military trucks rumbled into town from opposite directions—one from Burma, the other from Communist China. Sur-

rounded by armed guards and militia-men, the two lines of trucks maneuvered in the middle of the town square until each one was backed up to another, end-to-end. During the next few minutes, under the cover of the trucks' mudflaps, the soldiers exchanged truckloads of Communist Chinese arms for truckloads of Burmese heroin. When the exchange was completed, the trucks rumbled away to their respective destinations.

The drugs came to the United States eventually—the arms went south to Burma.

According to reports in the Far Eastern Economic Review, the Burmese military regime has purchased more than 1 billion dollars' worth of military arms from the Communist Chinese. Where in the world could this military regime, which has impoverished the nation through the Burmese Way to Socialism campaign and already stripped the country of many of its natural resources, have come up with foreign currency totaling over \$1 billion?

The answer lies in the cycle of transactions depicted on this chart. The Burmese use proceeds from the sale of the illicit drugs to the United States to purchase arms from the Communist Chinese. This deadly cycle continues as the Burmese produce more drugs and the Chinese sell the Burmese more military arms. Drug production in Burma is at an all time high. The State Department has just issued a report disclosing that Burma now produces over 60 percent of the world's supply of opium and heroin. What is even more distressing is that the majority of these drugs is smuggled into the United States and other Western countries.

Thousands of innocent people are being swept up in the deadly wake of this trade. Mr. President. Burmese heroin on the streets of America brings with it the catastrophes plaguing modern day America—drug addiction, violence, poverty, and AIDS. American young people, in particular, are impacted by this evil trade.

The New York Times reported last year that the Burmese military regime buys arms from Deng Xiaoping's son-in-law's arms corporation called Polytechnologies. The regime uses these arms to kill, rape, and torture the Burmese people, especially those who advocate democracy. The Burmese regime has the 1991 Nobel Peace Prize recipient, Daw Aung San Suu Kyi, under house arrest and refuses to acknowledge the representatives elected by the Burmese people in the democratic elections of May 1990.

The only way this regime can hold on to its power and fend off the swelling forces of democracy is through the brutal suppression of the Burmese people. The severity of this suppression is multiplied thousands of times by the presence and use of Chinese arms.

Senators MOYNIHAN, SIMON, WOFFORD, and I want to put an end to

this travesty. Our concurrent resolution calls for an international arms embargo against the brutally oppressive Burmese military regime. In addition, Mr. President, the concurrent resolution urges the Secretary of State to call for an end to China's military sales to, and economic support of, Burma.

This will be the most effective means by which we can stop this trading of military arms and illicit drugs. I ask unanimous consent that the article from the February 6, 1992, issue of the *Far Eastern Economic Review* and another article from the August 21, 1991 *New York Times* be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

[From the *Far Eastern Economic Review*, Feb. 6, 1992]

UNGUIDED MISSILE  
(By Tai Ming Cheung)

China's defense industry has carved a lucrative niche in the international arms bazaar since the early 1980s, selling military wares to the Third World.

Peking recently confirmed the transfer of M11 tactical-range missiles to Pakistan. Foreign intelligence agencies also believe China is supplying M9 tactical missiles to Syria that could be worth hundreds of millions of US dollars. China's nuclear exports include a small research reactor to Algeria, nuclear technology to Iran and an agreement to build a full-sized 300-MW nuclear power plant in Pakistan valued at more than US\$500 million.

The defense industry has nonetheless suffered from a sharp drop in demand for conventional weaponry. The end of the Iran-Iraq War led to a two-thirds cut in arms earnings, according to some analysts. Other major clients were Saudi Arabia, which purchased US\$2 billion of Chinese CSS2 intermediate-range ballistic missiles in 1985, and Thailand, which bought more than US\$400 million of tanks, artillery and frigates from 1980-88. But the lack of sophistication of Chinese arms have seen these countries look to other suppliers in the past few years.

China's total arms income during the 1980s was more than US\$10 billion, according to the Stockholm International Peace Research Institute. The actual total is probably much higher as many arms sales are made in secret.

China set up two arms-trading companies in the early 1980s. The more powerful is Poly Technologies, the export arm of the PLA's General Staff Department. But to give it a civilian facade, the company ostensibly belongs to China International Trust & Investment Co., the nation's primary overseas investment company.

Established in 1983, Poly Technologies has been involved in many arms transactions, including the Saudi missile deal. Many of the company's executives are the offspring of senior communist leaders. Its president is He Ping, son-in-law of paramount leader Deng Xiaoping; a vice-president is Yang Li, daughter of President Yang Shangkun. The director of the PLA General Staff Department's equipment sub-department, which directly coordinates Poly Technologies' activities, is He Pengfi, son of the late marshal He Long.

Another arms exporter is China New Era Corp., founded in 1980 and under the primary control of the Commission of Science, Tech-

nology and Industry for National Defense. New Era represents ministries with extensive defense output, such as China Precision Machinery Import & Export Corp., China Nuclear Energy Industry Corp. and National Aero-Technology Import & Export Corp.

The creation of these high-powered arms-export firms led to a dramatic growth in income from foreign arms deals. From less than US\$400 million in 1979, sales peaked at almost US\$2 billion in 1986, according to foreign estimates. By 1990, however, they are estimated to have dropped to nearer US\$1 billion. In comparison, China's non-military exports in 1990 amounted to US\$60 billion, according to Chinese figures.

But earnings from arms sales could fall in the coming decade. The end of the Iraq-Iran War in 1989 left Iraq owing hundreds of millions of US dollars to Chinese arms firms. Iran has continued to acquire a steady supply of Chinese arms, but it has requested Peking's assistance in the construction of a local defense industry.

China has managed to find some new clients to compensate for lost trade, including Burma and Sri Lanka. Burma is buying as much as US\$1 billion of Chinese arms, with the purchases reportedly being financed by income from drugs earnings.

Pakistan and China, meanwhile, have stepped up their arms cooperation, developing and producing the new Type 2000 main battle tank for the Pakistani army and the K7 jet trainer. The Chinese research and develop the weapons, while Pakistan provides financial assistance and, sometimes, Western technology to incorporate into the equipment.

These new business relationships, however, are insufficient to fill the vacuum left by smaller sales to the Middle East. Because of this, the Chinese defense industry is looking to other hi-tech areas for income. The space industry has been eagerly promoting its satellite-delivery services, offering 25% discounts compared to European and US competitors. But only one foreign commercial satellite, *Asiasat 1*, has been launched (in April 1990). Two Australian satellites are to be launched this year.

China's nuclear exports have more potential—and are clearly more controversial. Peking insists that all its transfer of nuclear technology and materials, such as experimental nuclear reactors and low-grade enriched uranium, have been exclusively for civilian application. But there is widespread suspicion that China has provided equipment to some developing states that could have military uses.

Indeed, the close personal relationships between the heads of the arms-export firms and top government officials have seriously hampered efforts to regulate the flow of arms sales.

But international pressure on China to rein in arms sales, especially from the US, appears to have had an impact. Peking agreed in November to observe the Missile Technology Control Regime, a non-binding agreement among arms exporters and industrial countries not to sell missiles with ranges of more than 300 km in the Middle East.

Analysts are skeptical whether this will see the end of the missile sales, as Chinese officials have given similar promises in the past that they have reneged on.

In 1991, too, a department was set up in the powerful Central Military Commission to monitor and vet the activities and exports of the arms-trading companies. But with a staff of only 30 officers, the department lacks the

resources to carry out its duties, analysts say.

HEART OF DARKNESS  
(By Tai Ming Cheung)

The tens of thousands of "third-line" defense-related plants built in China's deep interior in the 1960s and early 1970s represent a triumph of Maoist folly over economic rationality. Now they are serious liabilities in the defense industry's switch to civilian production.

To limit damage in case of war, the plants were spread over a huge area of western China that includes some of the nation's poorest and most backward provinces. Many factories are in isolated and inhospitable locations, from remote mountain valleys to caves and deserts. Often, they are served only by single-track railways or dilapidated roads.

These sites were strategically ideal during the Cold War, but now they are virtually useless. Analysts say more than 45% of third-line factories have serious problems with transport, energy supplies and management. Utilization rates at most plants are less than 10%.

Around 29,000 factories were built or moved from coastal areas into the third-line region at a cost of more than Rmb 200 billion (US\$107 billion at 1974 exchange rates). Around 2,000 are large or medium-sized enterprises, or plants that have fixed assets of more than Rmb 20 million. These constitute almost a quarter of all Chinese enterprises of this size.

Third-line factories account for almost 75% of production in the nuclear industry, 60% in electronics and 50% in the armaments and space industries. All told, they represent more than 50% of the defense industry's production capacity. (The rest is in the first- and second-line plants in the industrial cities of the northeast and in coastal provinces.)

Many third-line plants have little access to up-to-date economic information, which is a major handicap in their efforts to make marketable civilian products. "Some enterprises are so isolated they have only a vague understanding of the reforms taking place in the rest of the economy. They still think they are in the 1970's," says one defense-industry analyst.

To overcome this obstacle, the authorities are trying to improve commercial ties between inland and coastal enterprises. With 60% of the aerospace industry's output coming from inland factories, the Aeronautics and Astronautics Ministry set up Yonglin Technological & Economic Development Corp. last year to provide economic information specifically for these firms.

In addition, several joint-venture groups have been set up. Zhongshan Defense Equipment Group, for example, was formed in 1989 with 19 defense enterprises scattered around the country. The group cooperates on the development, production and marketing of defense electronic and engineering systems, such as navigation and communications equipment.

The government is also trying to move some of the plants closer to transport links and markets. So far, around 121 problem-ridden plants have been moved, merged or closed down, at a cost of more than Rmb 3 billion. The Finance Ministry and local governments plan to spend a further Rmb 3 billion by 1996 to overhaul another 115 defense enterprises.

One of the largest removal projects involves the relocation of Base No. 67, a huge



facility for rocket research and development, from the Qinling Mountains in Shaanxi province to more accessible areas several hundred kilometers away. The relocation was to be completed by the end of 1990, but severe floods pushed the project well behind schedule and heavily over-budget. The government has had to provide an additional Rmb 160 million to complete the move by 1993.

Some factories are impossible to move. Among the largest third-line enterprises is the Panzhihua iron and steel complex in Sichuan province. The first phase of Panzhihua was completed in late 1978 at a cost of almost Rmb 4 billion. It was to be the main steel supplier to hundreds of defense factories located around Chengdu. But in 1979, China's economic development priorities abruptly shifted to coastal provinces.

The interior provinces view factories such as these as one of their few avenues towards economic development. Third-line plants make up a sizable proportion of the industrial production capacity of China's western region, and are one of the main sources of taxes and foreign-currency earnings. Annual civilian output of the third-line industry in 1989 was estimated at Rmb 10 billion.

[From the New York Times, Aug. 21, 1991]

#### POTENT OFFICE WEAVES WEB IN CHINA ARMS (By Nicholas D. Kristof)

BEIJING, AUGUST 20.—If Western leaders want to know what they face in trying to get China to restrain its weapons sales, they might drop by the secretive office of Poly Technologies on the 17th floor of the Citic Building in downtown Beijing.

The efficient, well-equipped office is at the core of a remarkable Chinese military-industrial complex. Western complaints to China's Foreign Ministry about arms deals are unlikely to impress this company, which in some respects is more powerful than the Foreign Ministry itself.

Among those who have been active in Poly Technologies in recent years are relatives of President Yang Shangkun, Vice President Wang Zhen and Deng Xiaoping, the nation's senior leader.

The family links between Beijing's arms dealers and its top rulers appear to be one reason why China's weapons industry has rapidly become a major exporter in recent years, and why it will be difficult to curb. The West's arms control debate with China, far more than with other countries, involves links of family and friendship that are the veins of power in China.

#### A HOLDOUT ON FACTS

While most major military powers seem to be moving toward agreement on curbs on the proliferation of arms, China stands out for its refusal so far to join the Missile Technology Control Regime, an agreement to curb the spread of missiles, although it says it is considering joining. China also has not joined the Nuclear Non-Proliferation Treaty, but said this month that it would do so.

In recent months, China is believed to have sent Pakistan M-11 missiles, which can carry nuclear warheads and could be used against India. Beijing may also be sending Syria its new M-9 missiles, which would be able to strike targets throughout Israel. The Far Eastern Economic Review of Hong Kong reports in its current issue that up to 24 of the M-9 launchers already have been spotted in Syria.

Such sales may have been arranged through companies other than Poly Technologies. The common denominator is that the aim of such deals is not to cultivate

friends or spread Communism, but a more capitalist motive.

"In the United States, arms sales are an expression of your foreign policy," a Chinese official said. "But in China, the reason for arms sales is to earn money."

Xie Datong, the president of Poly Technologies, did not respond to requests for an interview. Citic, the Chinese investment company that on paper is the parent of Poly Technologies, also declined interviews.

#### LIKE A MILITARY OUTFIT

Other Chinese with knowledge of Poly Technologies' operations were more forthcoming. In interviews recently, they portrayed a sophisticated company run like the military organization it is, where employees address one another by army rank and where Hong Kong chefs provide catered lunches.

"It stated because the army general staff department wanted to have its own arms trading company, but it thought that it wouldn't be appropriate to do this openly," said a Chinese familiar with the company. "So it approached Citic, and Poly Technologies was set up on paper as a subsidiary of Citic."

Poly Technologies was formally founded in January 1984 with the approval of the State Council, China's Cabinet. It is registered as a subsidiary of Citic. In fact, Chinese say, it reports to the armament department of the general staff of the army.

Poly Technologies seems to be authorized to sell virtually everything in the Chinese arsenal, although the Central Military Commission must approve politically sensitive deals.

The most important deal arranged through Poly Technologies was the sale to Saudi Arabia of about \$2 billion worth of Chinese ballistic missiles with a range of about 1,600 miles. That transaction, arranged in 1985, came to light in 1988 and caused a wave of indignation in the United States.

#### CAR STONED IN MYANMAR

Among recent deals arranged by Poly Technologies was the sale of guns and ammunition to Myanmar, formerly Burma.

"Poly Technologies has an office in Myanmar, and when its car goes out on the street, it's sometimes stoned by the Burmese," said a Chinese who has worked for the company. "They think we're helping the Burmese Government suppress the people."

The first head of Poly Technologies was He Pengfei, son of a famous Chinese marshal. The son also rose in the army, and after heading Poly Technologies, he returned there, attaining the rank of major general and becoming director of the armament department, a vantage point from which he continued to oversee the company.

The next president of Poly Technologies was He Ping, who is married to Deng Rong, a daughter of Mr. Deng and now his personal assistant.

An article this spring in International Security, a scholarly journal, asserted that the Foreign Ministry had tried to restrain Poly Technologies but had had little success.

In one indication of where business is headed, Poly Technologies has recently expanded, taking up an entire floor in the Citic Building. Most of the employees are on loan from the army.

Morale is said to be high and job benefits substantial. The staff need not lunch in the regular Citic cafeteria, because the chefs of the Hong Kong-managed Windows on the World restaurant on the top of the Citic building send them lunches every noon. The price charged each employee is just nine cents a meal.

Mr. MOYNIHAN. Mr. President, I am most encouraged to be joining today with the distinguished ranking members of the Foreign Relations Committee, Senator HELMS, and Senator SIMON, and others in introducing a resolution on the urgent need for an international arms embargo on Burma.

Passage of this resolution by the Senate would make ever more clear that the administration must move deliberately and with greater urgency to support a complete and effective international arms embargo against the regime in Burma. This must be a matter for the Security Council of the United Nations, and it must be brought before the Council with the strongest possible U.S. support.

The resolution we introduce today would put the entire Senate on record in support of an international arms embargo against Burma, a position already unanimously agreed to by the Senate Foreign Relations Committee. Further, the Congress has already authorized the President to take economic sanctions against Burma in the Customs and Trade Act of 1990. Why hasn't he done so?

Certainly, we are aware of the steps taken by the administration to embargo U.S. arms sales and to encourage others to do so. But a great deal more can and must be done. Ever greater quantities of weapons are reaching the regime in Burma from China, Singapore, Serbia, and elsewhere. More, no steps have been taken to prevent dual-use items from being sold to Burma. Not by the United States or by any other suppliers. Indeed, the State Department just recently admitted that it is easier to send dual-use items to Burma than it is to Russia. This is wrong.

The Fritz Werner Co. of Germany has developed an indigenous arms capability in Burma. It is also reported that Burma has poison gas capability, again provided by Fritz Werner. And we cannot dismiss the willingness of the military junta in Rangoon to use it. A regime that uses women and children as military porters and human mine-sweepers in its campaigns against opposition forces is capable of any atrocity.

Indeed, a regime that has kept the world's most recent Nobel Peace Prize winner, Aung San Suu Kyi, under house arrest for nearly 3 years now, is capable of anything. A regime that traffics in heroin to pay for its weapons purchases from China is capable of anything. Some \$1.4 billion in weapons, paid for by heroin. Heroin that ends up mostly in the United States. Senator HELMS has most forcefully pointed out this circle of death. And we are doing far too little about it.

It is long since time for the Security Council to take action against Burma. If it can act on Somalia, Yugoslavia, Iraq, Libya, it can and must act

against the thugs in Rangoon. An arms embargo is needed. Burma is a threat to international peace and security. It produces and exports most of the world's heroin—with full Government complicity. It wages war against its own people on the border with Thailand and on the border with Bangladesh. It commits the grossest forms of human rights violations. It imprisons the world's Nobel Peace Prize winner. The United Nations ought not continue to compromise its position on Burma with misguided and, indeed, self-deluded efforts by the U.N. Development Program. Any money to the regime and any international support of it, can only prolong the agony of Burma's people.

I know the Senate will want to quickly consider this resolution and pass it. We can only hope that the administration will take this matter with the same urgency that the Senate does.

Mr. SIMON. Mr. President, I am pleased to introduce this concurrent resolution along with my distinguished colleagues Senator HELMS and Senator MOYNIHAN. There is a nasty war going on in Burma, a war the military junta there is waging against the duly elected government and the innocent people of Burma. It is a war financed in part by the Chinese, in part by the illegal sale of heroin and opium and in part by the wholesale destruction of the Burmese teak forests.

Our resolution condemns the military regime in Burma—known as the State Law and Order Restoration Council, or SLORC. And we call on President Bush to seek an international arms embargo against SLORC, and for Secretary of State Baker to call on the Chinese to end their support of this repressive military regime, a regime that lost the 1990 elections and refuses to let the rightful winners take their seat in Parliament.

We point out in our resolution that the 1991 Nobel Peace Prize winner, Daw Aung San Suu Kyi, has been under house arrest since July 1989. We point out that the production of illicit drugs has more than doubled since the SLORC was formed in 1988. We point out that Burma is the world's largest source of illicit opium and heroin. We point out that the Chinese-Burmese connection, how SLORC bought more than \$1.2 billion in arms last year from Beijing.

Mr. President, I'd like to be able to stand here on the Senate floor and say that the U.S. Government was in the forefront of those speaking out against the SLORC. I'd like to be able to say that we have ended all trade with Burma, and imposed comprehensive sanctions against this hated regime. But neither of these statements would be accurate. Just last week, I questioned Assistant Secretary of State for East Asian and Pacific Affairs, Richard Solomon, about our trade with Burma,

and he replied that it was virtually all cut off.

But it is not all cut off. Our trade with Burma has more than doubled since 1988, and almost half our imports are Burmese textiles. For a regime that is for all intents and purposes expelling a large part of its Muslim population to Bangladesh, violating basic human rights and routinely engaging in torture, trading in the worst kind of narcotics deals, pillaging its environment, and becoming more of a threat with every passing day to regional stability, surely our response can be tougher than allowing our trade relations to flourish. Surely we can impose trade and other sanctions against the SLORC. Surely we can do better. Surely we can stand up for human rights in Burma.

#### SENATE RESOLUTION 282—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SASSER (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas, in the case of United States v. Slawomir Borowy, CR. No. M14939-91, pending in the Superior Court of the District of Columbia, the United States has caused to be issued a subpoena for the testimony of William Fowble, an employee in the Senate Service Department;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That William Fowble and any other employee of the Senate from whom testimony may be necessary are authorized to testify and to produce documents in United States v. Slawomir Borowy, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent William Fowble, and any other employee, officer, or Member of the Senate in connection with United States v. Slawomir Borowy.

#### AMENDMENTS SUBMITTED

#### SENSE OF THE CONGRESS CONCERNING THE U.N. CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

##### GORTON (AND HATFIELD) AMENDMENT NO. 1758

Mr. WALLOP (for Mr. GORTON, for himself and Mr. HATFIELD) proposed an amendment to the concurrent resolution (S. Con. Res. 89) expressing the sense of the Congress concerning the U.N. Conference on Environment and Development, as follows:

Insert the following new paragraph after paragraph (5) and renumber succeeding paragraphs accordingly:

"(6) support the creation of an International Northern Forests Organization whose principal purpose shall be to study the linkages among international trade in forest products, the management of northern forests and the regional and global environment in order to assist member countries in the development of sustainable forest management policies."

##### WALLOP AMENDMENT NOS. 1759 AND 1760

Mr. WALLOP proposed two amendments to the concurrent resolution (S. Con. Res. 89), supra, as follows:

##### AMENDMENT NO. 1759

In the first "Whereas" clause, after "by" insert the following: "the potential for harmful", and after "change," insert the following: "and".

##### AMENDMENT NO. 1760

On page 4, line 22, after "support" insert the following: "the voluntary", and on page 5, line 3, after "new" insert the following: "voluntary".

#### CONCURRENT RESOLUTION ON THE BUDGET

##### BENTSEN (AND OTHERS) AMENDMENT NO. 1761

Mr. BENTSEN (for himself, Mr. GRAMM, Mr. DOMENICI, and Mr. MCCAIN) proposed an amendment to the concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the U.S. Government for fiscal years 1993, 1994, 1995, 1996, and 1997, as follows:

At the end of the resolution, add the following:

##### SEC. . SOCIAL SECURITY OUTLAY AND REVENUE LEVELS.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in



the Senate, the point of order established under section 301(1) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

#### NOTICE OF HEARINGS

##### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, April 7, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building on recommendations to the Appropriations Committee on the funding of Indian programs for fiscal year 1993, and for other purposes; to be followed immediately by a hearing on a substitute bill to S. 1752, to provide for the development, enhancement, and recognition of Indian tribal courts.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, April 7, 1992, at 10 a.m. to conduct a hearing on whether the United States must develop a national competitiveness strategy to maintain its industrial leadership in the 21st century.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, April 7, at 9 a.m., for a hearing on the subject: "Tainted Water, Tainted Fish? Stewardship of the Great Lakes."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on April 7, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building, on recommendations to the Appropriations Committee on the funding of Indian programs for fiscal year 1993, and for other purposes; and to meet on a substitute bill to S. 1752, to provide for the development, enhancement, and recognition of Indian tribal courts.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON LABOR

Mr. SASSER. Mr. President, I ask unanimous consent that the Sub-

committee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 7, 1992, at 9:30 a.m., for a hearing on S. 2311, the Save American Jobs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. SASSER. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Tuesday, April 7, 1992, at 9:30 a.m. to hold a hearing entitled "Medicare Balance Billing Limits: Has the Promise Been Fulfilled?"

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 7, 1992, at 3 p.m., in executive session, to mark up legislation to make the Vice Chairman a member of the Joint Chiefs of Staff, to provide joint duty credit for certain duty in Operations Desert Shield and Desert Storm, and to provide for the temporary continuation in grade of the Deputy National Security Advisor; to vote on the nomination of Vice Admiral William O. Studeman, USN, to be Deputy Director of Central Intelligence; and to vote on certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO THE NEBRASKA ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS

• Mr. EXON. Mr. President, I would like to take just a few minutes to pay tribute to the Nebraska Association of Student Financial Aid Administrators.

The Nebraska Association of Student Financial Aid Administrators is celebrating 25 years of service to Nebraska. The membership of this association, through dedicated efforts, has enabled countless Nebraskans to further their education with the assistance of financial aid.

One of the programs which the young people of Nebraska will be benefiting from during the next 25 years is the early awareness program. I am very excited about this program to reach fourth graders and have them start setting their sights on the future by providing mentors and opportunities to explore various careers and help them work toward the future they want.

The Nebraska Association of Student Financial Aid Administrators encourages the Senate to make a commitment to encourage higher education and support financial aid programs. In the recently passed reauthorization of

the Higher Education Act, I believe the Senate has shown its support for educating our young people and providing the financial incentives to make higher education possible.

The association's 25 years is a milestone in making dreams a reality for the citizens of Nebraska.

I want to extend my heartiest congratulations on their achievements and goals for the future. •

#### THE ACCESS TO JUSTICE ACT OF 1992

• Mr. SMITH. Mr. President, I rise to express my support for S. 2180, Senator GRASSLEY's bill to impose modest, but much needed reforms on the Nation's civil justice system.

The United States is the most litigious society in the history of the world. Our 800,000 lawyers—over 70 percent of the world's total—give America 1 attorney for every 310 regular people. While much of what they do is beneficial, much is frivolous and destructive to our competitive position in the world.

As an example, in at least one case, a transvestite has successfully sued for job discrimination under the recently passed Americans With Disabilities Act. In another, a drug addict successfully sued for employment discrimination under the 1973 Rehabilitation Act. In still another case, a threat to bring sexual harassment charges against Pennsylvania State University persuaded the university to remove Goya's classic, "The Naked Maja" from its classroom walls.

Peter Carlson, writing in the Washington Post magazine, describes one lawsuit:

It began in December of 1988, when Joe and Carolyn Denson filed complaints against their landlord, Garfinkel, with various Montgomery County agencies.irate, Garfinkel responded by slapping the Densons with a lawsuit alleging "malicious defamation," asserting that their frivolous complaints had caused him to suffer "great emotional trauma and other damages," for which he demanded the sum of \$95,000, plus lawyer's fees. Equally irate, the Densons counterattacked with an "abuse of process" lawsuit charging that Garfinkel's frivolous suit was filed just to intimidate them from raising legitimate complaints against him. For this—the infliction of "substantial emotional distress and anxiety"—they demanded the sum of \$250,000 in compensatory damages, plus \$250,000 in punitive damages.

Plus lawyer's fees, of course. Now, nearly 3 years later—after the filing of a complaint and a counterclaim and an answer to the amended complaint and an amended answer to the counterclaim, and after the plaintiff's interrogatories and the defendant's interrogatories and the plaintiff's objection to the interrogatory; and after the 97-page deposition of the plaintiff and the 84- and 90-page depositions of the defendants; and after the withdrawal of the plaintiff's first attorney and the appearance of the plaintiff's second attorney; and after the withdrawal of the defendants' first attorney

ney and the appearance of the defendants' second attorney; and after two settlement conferences that failed to settle the case—after all that \*\*\* the Densons' lawyer, came to court \*\*\* ready to cut a deal.

Mr. President, this almost-comical case highlights an important reality underlying much litigation: The costs of the lawsuits considerably exceed the amount at stake. In fact, in many cases, these suits are settled, not because the suits are meritorious, but because of the prohibitive costs in litigating the issue.

This litigation explosion has collectively added as much as \$80 billion in direct costs and perhaps \$300 billion in indirect costs each year, according to Carlson. As a result, there are some areas in the United States where you cannot find a physician who will deliver a baby or to remove breast implants, for fear of stifling litigation.

While recourse to the courts is sometimes necessary and desirable, I cannot believe that the 18 million lawsuits a year—nearly one lawsuit for every adult American—does not represent an exercise in wretched excess. In the Federal system alone, lawsuits have nearly tripled from 90,000 in 1960 to more than 250,000 in 1990.

The access to Justice Act of 1992 would represent a major step in controlling the litigation explosion which is playing a major role in costing American jobs and making our products uncompetitive abroad.

The Grassley bill would:

First, curtail frivolous litigation by requiring the loser to pay a reasonable portion of the winner's legal fees;

Second, create a pilot program to resolve civil suits out of court;

Third, severely limit the number of suits which are in Federal court solely because of the diverse citizenship of the litigants;

Fourth, require that a potential litigant give notice of his intent to sue;

Fifth, restore judicial immunity from suit for State judges; and

Sixth, require prisoners to exhaust administrative remedies before suing in Federal court.

These are modest steps which would curtail frivolous suits without interfering with suits by litigants with legitimate grievances.

I will support these modest steps when the issue comes before the Senate, and I would urge my colleagues to do likewise.■

#### MARYLAND STATE PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES—20TH ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise to recognize and congratulate the Maryland State Planning Council on Developmental Disabilities as it celebrates its 20th anniversary. An organization composed of people with disabilities

and their families, public officials, higher education representatives, and community organization leaders, the Maryland State Planning Council on Developmental Disabilities has been at the cutting edge of national disability policy.

The council's many achievements include the establishment of statewide family support services, supported employment initiatives, quality integrated community living arrangements and parent training organizations. During 1991, the council worked hard along with other Maryland organizations and State government to put forward a successful application for the new Medicaid community supported living arrangements program. As a cosponsor and strong supporter of the Medicaid Home and Community Quality Services Act, which established the community supported living arrangements [CSLA] program for developmentally disabled citizens, I am pleased and proud that Maryland was one of only eight States in the Nation to receive the first CSLA awards. The Maryland Developmental Disabilities Council is playing a central role in this critical initiative and will be at the forefront of efforts to show our country a new and better way of supporting its citizens with developmental disabilities.

As the council celebrates its 20th anniversary, I want to again congratulate its members for the critical work they do, work which is essential if families and persons with developmental disabilities are to participate more fully in community life.■

#### A DISCUSSION WITH DR. VARTAN GREGORIAN

• Mr. SIMON. Mr. President, I have for some time taken an interest in the plight of the Armenian people because of the constant persecution they have had to undergo.

Next to the Jewish population, they have suffered more persecution over the centuries and over recent decades than any other people. Some might argue that the Cambodians should be included because of what they had to undergo under the Khmer Rouge, but that has been a one-time tragic occurrence and not a century-long problem.

In any event, a recent publication by the Armenian General Benevolent Union [AGBU] had an interview with Dr. Vartan Gregorian, president of Brown University and a friend of mine for some years. The interview was done by Louise Manoogian Simone.

It is of interest not simply because of the significant contributions of Dr. Gregorian at Brown University and his comments on the problems faced by the Armenian people, it is also significant because of what he has to say about education.

For example, he says: "Our secondary schools should be providing the

general education, as is the case in Europe, not universities. Higher education is too expensive to be remedial which is what the first 2 years of college are becoming." He also calls for having a national agenda and a national plan to meet our domestic needs, now that the international threat has diminished.

He notes: "At Brown our students give 100,000 hours of public service at various institutions each year. I hope one day there will be some kind of national public service instead of military service, students giving 1 or 2 years of their time to national projects."

I favor that, and our colleagues, Senators NUNN and MIKULSKI, have offered specific suggestions along that line.

I ask to insert Dr. Gregorian's comments at the end of my remarks, and I urge my colleagues and their staffs to take a look at his observations.

The remarks follow:

FACING THE FUTURE—A DISCUSSION WITH DR. VARTAN GREGORIAN, PRESIDENT, BROWN UNIVERSITY

(By Louise Manoogian Simone)

LMS. It's always a pleasure to talk with you. You lead such a dynamic life in so many different circles. I must take this opportunity to say how proud we are of you. As an American and as an Armenian you have achieved an outstanding position in our country. If there is one field that the United States leads the world in it's education. As President of Brown University you will influence the very future of our society. What are the challenges before you?

VG. There are many challenges. First, a global civilization is emerging. How to retain particular national cultures within that global civilization is something America is facing once again and Europe will soon face as a result of the common market. In the United States, today, many ethnic groups are trying to demonstrate that they did not come here without a culture or knowledge; that they have a rich heritage to contribute to America. So the challenge is how not to allow these particular cultures to become ghettoized or ossified but rather to be a complementary component of the American society. This is the number one challenge we face both in curriculum and the educational process.

The second is fragmentation of knowledge. We are becoming more and more specialists. We don't teach our PhD's how to synthesize. We see today the collapse of ideologies, whether it's communism or something else. The Catholic church is facing its many sectarian movements. Protestants, not to mention Armenians, have all been fractionalized. We don't teach "what's the common ground or common knowledge," in other words, how to synthesize knowledge. As a result we have hundreds of specialists and you have to bring in many to answer any one common problem. It is a problem in our universities because all available information doubles every five years. The main thing is how do we transform that information to structured knowledge so that we will not be manipulated by trivia. Information is not knowledge necessarily. We know more and more about everything yet less and less about the depth of many subject matters.

The third challenge is individualism. We think we are individualists but we are con-



formists, more and more becoming homogenized. That's one place where some of the ethnic cultures can provide a perspective for America. In some groups individualism is considered a luxury because as long as the group is not completely emancipated it is thought to be an act of luxury to drop out, as in the case of African Americans. In other instances, if an ethnic group has already been absorbed, such as Anglo-Saxons, individualism is considered not a luxury but a necessity.

Fourth, we teach in America how to cope with success but we never teach in our schools how to cope with failure and adversity as part of the cycle of life. Coming in second is considered unAmerican. That creates false kinds of conclusions about life in general.

The fifth challenge I see is the issue of general education. Our secondary schools should be providing the general education, as is the case in Europe, not universities. Higher education is too expensive to be remedial which is what the first two years of college are becoming.

Last but not least is the problem of a domestic agenda for America because now the external enemies are gone. Before we could rationalize that the reason we didn't have one was because we were fighting against world communism and its "conspiracy." Now there is a greater mandate to spend more on our country and our economy. You'd be surprised how few people think in terms of the economic interests of the United States. They think politically and ideologically but they don't have any place for economics and environment. Our infrastructure is decaying. Take New York, for example. The whole city's infrastructure has to be fixed within the next 20-25 years. America has to come home without being isolationist or retreating into its cocoon. We have a 50% dropout rate in our high schools. We have the homeless. We can no longer afford to live under the shadow of our former greatness.

LMS. As an academician you have been surrounded by young adults all your life. What's the difference between this generation and let's say 10 or 20 years ago? How should we prepare for them? What can we expect?

VG. Ten years ago, actually after Vietnam I should say, there was a great deal of inward turning in America. The thinking was that since one could not solve the world's problems they might as well solve their own problems. "Do your own thing." There was more preoccupation with self interest and career, especially during the last decade. Now, I detect a certain new phase. If the generation of the 50's was considered a complacent generation, the 60's revolutionary, the 70's and 80's the yuppie generation, I think this new one is emerging as a compassionate generation. I see good signs about this—materialism is important but they are thinking about the quality of life. I think the current recession has also forced people to look for true values. With some of the universal ideologies collapsing there is a greater burden on individuals to judge for themselves rather than follow a catechism. There is also more worry about America's future instead of just thinking we are the greatest nation on earth and therefore it doesn't matter what happens elsewhere.

By the year 2000 we will need a skilled labor force of 25 million, 1.1 million school teachers and 500,000 professors just to replace retirees. We must have a unity regarding the country and its interests. Without an organized effort, involvement, we will not suc-

ceed. There has been a great deal of erosion in America about the value of public service. The public sector and excellence are not mutually exclusive. There is an attitude that excellence belongs to the private domain and that people who go into public service to become teachers or officials do not have that "fire in the belly" or entrepreneurial talent so therefore they accept less paying jobs. What may characterize the 1990's, and I hope it's not just wishful thinking, is that people have to be appreciated for who they are rather than what they have.

At Brown our students give 100,000 hours of public service at various institutions each year. I hope one day there will be some kind of national public service instead of military service, students giving one or two years of their time to national projects. America is not the kind of country where you can take as much as possible and give as little as possible because we're all in the same boat. If the ship sinks there's no solace in who was riding first, second or third class.

LMS. It often seems we are not advancing fast enough in our Armenian organizations. Armenians are so tradition bound—any divergence from the past seems to be threatening. I used to think these traditions were a great asset, the reason our cultural identity held strong through all the years of dispersion. Now, however, I question whether it is the reason so many have fled. Do you think this attrition rate is normal in any ethnic group or is a change in order on our parts?

VG. Tradition is a source of strength. It is not frozen, it's always evolving. As long as tradition does not become a moat but rather a bridge—that's fine. One of the greatest clichés in historical literature is "continuity and change" but change without continuity is silly. It has no context. On the other hand continuity without change is unreal. So the basic thing is how not to lower your aspirations and standards and yet be faithful to your traditions. People confuse means and ends. Means always have to change. Unfortunately, we Armenians, instead of dispassionate analysis, always tend to personalize things.

The Armenian community in America, as a community, is almost 125 years old. The community has always faced artificial divisions between those who came late to America and those who arrived earlier. It is remarkable that after a century Armenians have kept a viable community without succumbing altogether to assimilation.

One must pay tribute to the first wave of Armenian immigrants to America for they fought to survive, to retain their faith, to keep their links to their motherland and prepare a better future for their sons and daughters. They kept the Armenian organizations going. All generations of Armenians were caught in a dilemma. They were in America to be free, to be secure, to earn a living or to build fortunes, receive an education, to keep the ethnic organizations functioning and thriving, while hoping that one day when Armenia was free and secure they could return to their motherland.

Thus the Armenians wanted to survive in their adopted land without creating a permanent structure for their community in America. Therefore we should pay tribute to them. We should not look down on them because their organizations lacked "professionalism."

Emigre organizations in the early years always had to depend on what they had and what they had became the standard. Many never had the background or training for what they were doing. Dedicated, underpaid,

overworked, one could not criticize their "professionalism" without questioning their loyalty. And, however frustrating, this is normal by the way. So, what happened? When they came, they did not have the expertise but they were the people who kept the flame burning. Unfortunately, however, they did not prepare a second generation of professionals to assume their responsibilities.

There are several reasons for this. Another generation did not consider serving Armenian organizations as a source of career advancement. The available positions were multi-purpose jobs. You had to be a field worker, organizer, propagandist, editor, etc. And, of course, it was also a way for organizations and political parties to keep their loyal workers employed. There was nothing wrong with that at the time. They all thought, consciously or unconsciously, that one day they might return to Armenia so they did not organize a structure to succeed them. Now, since we are here to stay, it is different.

Let me clarify one point, that there is confusion between professionalism and language. It is "who delivers that counts." Now we have a bilingual and educated generation of Armenians. We Armenians often care who does it more than what has to be done and that has been a tragedy all our lives. . . . We are less tolerant of each other. We get along well with "foreigners" because if we lack "professionalism" vis-a-vis them we worry about what would "they" think of us. But when it comes to "us" we don't care because we already know one another.

We cannot capture our university-educated youth through exhortation or propaganda. You have to instruct them in such a way that it satisfies the intellectual, professional and personal needs. In the end it strengthens them because they will know who they are as Armenians. Simon Vratzian, my teacher and mentor, used to say we kept Armenians Armenian through dance and food but that's not enough now. For this generation to work in Armenian organizations, it cannot be solely an act of Christian charity on the part of the individuals. They must be convinced that serving Armenian organizations is a professional rather than a dead end job.

And then, of course, there is the question of style. I have taken my children and friends to Armenian events. I have to tell you, any event that lasts 6 hours turns them off. Strangely enough, we cannot take criticism. If you criticize any Armenian event for its style or its length or lack of intellectual depth, one feels guilty for it may be construed to be an attack against the Armenian identity or Armenian ways of doing things. If, on the other hand, you criticize a non-Armenian event then it is just a matter of taste \* \* \*

I vividly remember two events where I was the keynote speaker. One of them began at 6PM, but I didn't give my speech until 11PM. There was another event and again it was 11:30PM by the time I was invited to the podium. Half the audience was asleep, the other half was walking out. I got up to say, "There is no time. Everything that could be said has been said. Thank you." I got a rousing ovation but then somebody admonished me with "Well, you should have seen when the President of Harvard was here. It was later than tonight." "Did he ever come back again?" I asked. "No," was the reply.

LMS. Talking about children, I have 3 who are in varying degrees "Armenian". Two of them are willing to participate when asked and the third is fairly active. Armenia is

about the only thing that generates any real interest. You have 3 sons. Have you been able to instill any enthusiasm or commitment?

VG. My children were brought up as Armenians by my wife which comes as a great surprise to everyone because she's not Armenian. She learned how to read, speak and write Armenian. She took them to Tabriz (Iran) and had them baptized by the same priest that had married my parents and had baptized me. Two of my sons spoke Armenian until they were 8 years old. Then we moved to Austin, Texas. I discovered that unless you have full-time community or organizational support or you can create time by putting in a couple of hours a day you cannot succeed in preserving the language. All my children are proud to be Armenian. All 3 of them had great problems with their first names in Texas (Vahé, Raffi and Dareh-Ardashes) because nobody could pronounce them correctly. They were always listed under the girls' categories in school. Somebody once told Raffi that his was a Jewish name meaning serendipity.

My oldest son, Vahé, is a journalist for the St. Louis Post Dispatch. My second son, Raffi, is a military historian in Washington, DC and a PhD. candidate at Johns Hopkins, and my third son, Dareh, who attended the Armenian Sisters Academy in Pennsylvania for eight years, is a senior at Boston University. All three of them have rediscovered, in their own way, their Armenian heritage: Raffi, by going to Soviet Armenia and reading among others Franz Werfel's "Forty Days off Musa Dagh"; Dareh, by being interested in how various administrations have dealt with the Armenian Genocide; and Vahé, as a journalist.

I have not imposed upon them Armenianism for I believe you are not born an Armenian, you become an Armenian. Consciousness leads to knowledge, knowledge leads to language, and both of them lead to solid identity. Language without culture, culture without history and history without consciousness is not sufficient to guarantee one's identity.

LMS. How do you see the next five years for the Soviet Union in general and Armenia in particular? (Editor's note: A reminder to our readers that this discussion was held before the dramatic August 19 events in the Soviet Union.)

VG. I think the Soviet Union in its current form is not going to exist. Definitely the Baltic Republics will be out. Some face saving device will be found like the Soviet Union authorizing them to be part of the common market first as a "Zone Franche" (Free Zone).

Second, the Soviet Union is going to be very much preoccupied by Ozal's (President of Turkey) strategy. He wants to be a Mediterranean power in order to fill the vacuum. There's no leadership in the Balkans. Yugoslavia might have provided it but not now. Bulgaria is very poor. Greece is the only one that could compete but they don't have an international strategy other than commerce. They don't think geo-politically. My guess is that Turkey will leave Cyprus with some kind of arrangement—the price being Greece will not veto their entry into the Common Market.

Turkey wants to have a major role in the Caucasus as well, in a way to pick up where they left off in 1918; it wants a major role with the Ukraine and the Balkans as trade partners. Turkey wants to take this opportunity to industrialize the eastern region of the country, in order to stop the possibility

of a future Kurdistan. The Soviet Union or Soviet Russia is not going to allow this. At best they will allow the Caucasus to remain neutral, like Finland. Soviet Russia needs oil. It needs the Caucasus as a bridge to the Middle East.

Now I personally believe that Armenians should have been last in showing their trump card in the Soviet Union, not first. One of the most brilliant Armenian political thinkers in the 19th century was Krikor Arzruni. He said to the effect that the Armenian bourgeoisie has money, a national resource, and they are scattered throughout Czarist Russia, they should build commerce in the Ottoman Empire and invest in historical Armenia. If and when a major global upheaval occurs, Armenians should pick up the pieces. Armenians should be observers, not instigators or pawns. I only mention this because we hear "We are the ones who started the protest in the Soviet Union. We were number one." Well, that's no consolation.

We don't have a quiet, articulate, long-term strategy of nation building. As a result our situation is very untenable. We're cut off from oil, from the Black Sea and we have a very minor border with Iran and there are attempts to even cut that. But, we do have human resources. Then the issue is how to build a national economy. Armenia has to become a Taiwan, a kind of electronic capital, a computer center or the Mayo Clinic of the Soviet Union so others will build roads to get to us. How we transform that manpower into skilled labor is the challenge because political independence without economic independence is not going to be viable.

Having said this we should marvel at the fact that since Armenians have suffered for 70 years, it is a miracle that there is even this much left.

LMS. This issue of the AGBU Quarterly is highlighting the Middle East. We have a substantial Armenian community there of several hundred thousand. How do you see the future?

VG. With the end of the cold war I'm very optimistic about the Middle East now. If the Palestinian issue is settled there will be greater pressure for each of the countries in the Middle East, including Israel, not to postpone social and economic justice. It may sound outlandish but I think, if peace or some acceptable solution comes, you will see the Middle East emerging as a major region, financially more powerful than Europe. There's no excess capital in Europe or even the U.S., only in Japan and the Pacific Basin. If the Middle East is not investing in arms but in business it will usher a great era of development. There is a population explosion. Sheer demography is going to demand economic justice.

Now, the Armenian communities, thank God, have never been part of the Middle East establishment because we have been excluded from the political process. Second, we have never been considered outsiders, fifth columnists, etc. Maybe with rare instances but no one has used that argument against us. We know the culture, the language and the region. We've been there for thousands of years and once again we're going to be an essential force, an entrepreneurial force. As a matter of fact, I believe you will see some Armenians returning to Iran, to Lebanon and to Iraq when Saddam's regime is over.

LMS. This is a very, very interesting historic period in our lives as democracy, or the ideal of democracy, takes over throughout the world. That's what we are seeing as dictatorships, and feudal systems keep collaps-

ing. —It could change the world in 25 to 50 years.

VG. The main problem is the growing pains that come with democracy. At first they will interpret democracy as anarchy but then, gradually, a new reality will emerge. My worry about the Soviet Union is that glasnost and perestroika without economic success will feed right into the hands of the old guard. They will say you might not have had freedom but you had bread. Once again they will force people to choose security over liberty.●

#### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Senator NUNN and Senator WARNER and employees of the Senate Armed Services Committee, Arnold Punaro and Patrick Tucker, to participate in a program in the Persian Gulf, sponsored by the United States Government and the governments of Saudi Arabia and Bahrain from February 16-20, 1991.

The committee determined that participation by Senator NUNN and Senator WARNER and Messrs. Punaro and Tucker in this program, at the expense of the United States Government and the governments of Saudi Arabia and Bahrain, was in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Tom Fulton, a member of the staff of Senator BURNS, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Relations, from April 13-24, 1992.

The committee has determined that participation by Mr. Fulton in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Peter Galbraith, a member of the Staff of Senator PELL, to participate in a program in London, sponsored by the Humanitas, from February 21-23, 1992.

The committee has determined that participation by Mr. Galbraith in this program, at the expense of the Humanitas, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35



for Vicki J. Hicks, a member of the staff of Senator BURDICK, to participate in a program in Hong Kong, sponsored by the Hong Kong General Chamber of Commerce, from April 12-18, 1992.

The committee has determined that participation by Ms. Hicks in this program, at the expense of the Hong Kong General Chamber of Commerce, is in the interest of the Senate and the United States.●

### BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by \$6.3 billion in budget authority and by \$5.8 billion in outlays. Current level is \$2.9 billion above the revenue floor in 1992 and \$0.7 billion below the revenue floor over the 5 years, 1992-96. Since my last report the Congress has sustained the President's veto of H.R. 4210, the Tax Fairness and Economic Growth Act, therefore, the budgetary effects are no longer included in current level. In addition, the President has signed the technical correction to the Food Stamp Act (Public Law 102-265).

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$354.2 billion, \$3 billion above the maximum deficit amount for 1992 of \$351.2 billion.

The report follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 31, 1992.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through March 27, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 24, 1992, the Congress has sustained the President's veto of H.R. 4210, the Tax Fairness and Economic Growth Act, changing the current level for budget authority, outlays and revenues, and the President has signed the Technical Correction to the Food Stamp Act (Public Law 102-265).

Sincerely,

ROBERT D. REISCHAUER,  
Director.

### THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG. 2D SESS., AS OF MAR. 27, 1992

(In billions of dollars)

	Budget resolution (H. Con. Res. 121)	Current level <sup>1</sup>	Current level +/- resolution
On-budget:			
Budget authority	1,270.7	1,277.0	+6.3
Outlays	1,201.7	1,206.6	+5.8
Revenues:			
1992	850.5	853.4	+2.9
1992-96	4,836.2	4,835.5	-.7
Maximum deficit amount <sup>2</sup>	351.2	354.2	+3.0
Debt subject to limit	3,982.2	3,773.4	-208.8
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	0.0
1992-96	1,331.5	1,331.5	0.0
Social Security revenues:			
1992	318.8	318.8	0.0
1992-96	1,830.3	1,830.3	0.0

<sup>1</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

### THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAR. 20, 1992

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending			
Legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Continuing resolution authority	13,992	5,454	
Mandatory adjustments <sup>1</sup>	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted	1,274,306	1,204,844	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102-244)	2,706	2,706	
American Technology Pre-eminence Act (Public Law 102-245)			(?)
Technical Correction to the Food Stamp Act (Public Law 102-265)	(?)	(?)	
Total current level	1,277,012	1,207,550	853,364
Total budget resolution <sup>2</sup>	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,299	5,849	2,863
Under budget resolution			

<sup>1</sup> Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

<sup>2</sup> Less than \$500,000.

<sup>3</sup> Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.●

### WOMEN'S HISTORY MONTH

● Mr. SIMON. Mr. President, this past month was designated Women's History Month in order to honor the contributions of women throughout history. Just as important, though, the month has provided a forum for addressing many of the critical issues facing women, and men, in our society today. It is for that reason that I speak before you today.

Certainly we have made progress in addressing some of the more extreme inequities women have faced in this country. Congress has passed legislation to help eliminate discrimination

in employment, education, credit and housing. But these laws are inconsistently enforced and the obstacles confronting women continue to mount.

This past summer, the Subcommittee on Employment and Productivity, which I chair, conducted a hearing to examine the role of women in the workplace. I would like to take this opportunity to highlight two of the more salient points that investigation brought forth.

First, there is preliminary evidence that indicates we are creating a type of Third World labor economy by underutilizing our work force and increasingly hiring only temporary, part-time and seasonal workers. The majority of those temporary workers are women, forced to string together several such part-time jobs to feed, clothe, and shelter their families. It is obvious that such a work force does not offer much in the way of stability, benefits, or promotions.

Second, the hearing highlighted one of the most glaring problems facing women in our society today, the feminization of poverty. Today we are experiencing an ever-growing disparity between the classes in our country, with the numbers of those impoverished continuing to increase. Already 65 percent of those in poverty are women and children. We must do something to reverse this trend.

In a similar hearing before that same subcommittee in October of last year, I spoke on the topic of "Women and the Workplace: The Glass Ceiling." Glass ceilings refer not to barriers to entry into the job market, but rather to the artificial barriers that impede advancement opportunities in the workplace. Those barriers for women include discrimination based on ignorance, gender stereotyping, and sexual harassment.

These glass ceilings have segregated women into constrained segments of the work force, otherwise known as pink ghettos, where low wages, low benefits, and limited advancement are the norm. A study conducted just 3 years ago indicated that 60 percent of professional women worked in the traditionally female occupations of teacher and nurse, while only 9 percent of working women served in nontraditional jobs. Furthermore, of the Fortune Services 500 industries, women comprise 61 percent of all employees, but only slightly more than 4 percent are corporate officers. Surely we can do better than that. It is our responsibility to open these doors that have been long closed to women capable of performing at these top levels; we must shatter those glass ceilings.

In addition to limitations on the level to which they can rise in the work force, there is strong evidence for a pay gap dividing employees along gender lines. Indeed, even today, women still earn significantly less than their male counterparts. On the

whole, women earn only 72 cents for every dollar a man earns. And, even more disturbing, is the fact that the differential between those countries who have closed the pay gap, such as Sweden and Norway—where women earn 85-90 percent as much as their male counterparts—and those who have not, such as the United States and Switzerland—where women continue to earn only 68-72 percent as much as men—is continuing to widen. We cannot have true equality in the workforce until we account for that gap and make a concerted effort to bridge it.

Another issue vital to women in the workforce is the question of family medical leave. The dynamic evolution of our work force over the course of the past several decades requires that we address this situation if we are truly desirous of equality in the workplace. While there are examples of some businesses acting voluntarily to assist working parents in this area, most have not. In 1989, some 15.2 million women in the United States had no health insurance from any source, with women in the traditionally female occupations uninsured at rates of 6-30 percent. We must do what we can to assist those struggling to balance the responsibilities of work and family. The Senate's passage of the Family and Medical Leave Act is a good start, but our efforts must not stop there. It is not right that many hard-working Americans risk losing their jobs if they take leave to care for a new baby, a sick child, or an aging parent.

In order to do justice to those women honored during Women's History Month, those who blazed new trails and played vital roles in the development of our society, we too must blaze new trails and reform the inequities in our labor system. While the achievements of those women in the past are made even more remarkable by the recognition that they came as part of a struggle against the tide of discrimination, it is our responsibility today to insure that an equitable labor system is our legacy. Glass ceilings, pay gaps, and feminization of poverty are not the marks of a free and democratic society and for that reason have no place in the United States in the 1990's. Women represent a tremendous potential strength in the work force, yet, for the most part, we have not yet begun to fully cultivate their capabilities. In short, we must give women the opportunity to contribute without placing limitations on those opportunities. Rather, we must provide a system worthy of the democratic and egalitarian ideas upon which America was founded. Such as honor as Women's History Month must not be merely a symbolic reference to contributions of women in the past, but also a reminder of the changes our present system begs for. The time has come when we must truly heed the call of our Nation's Founders

when they demanded liberty and justice for all. •

#### ATTACK SUBMARINES

• Mr. D'AMATO. Mr. President, for the foreseeable future, attack submarines will continue to play a crucial role in maintaining freedom of the seas. In earlier remarks, I suggested that Congress would have to artfully fund spares, repairs, modifications, backfits, and stockpiles, in order to generate enough work to preserve the core technologies, facilities, and talent required to design and build the Centurion, the next-generation attack submarine.

One retrofit we should consider this year is replacing the steel sonar bow dome of older *Los Angeles*-class submarines with a composite, so-called glass-reinforced plastic [GRP], sonar bow dome. GRP sonar bow domes, currently installed on some *Los Angeles*-class submarines, and destined for both the *Seawolf* and *Centurion*-classes, are 10 tons lighter, and have better acoustic properties, than comparable steel sonar bow domes.

Were Congress to institute such a backfit program, it would: First, sustain the sole manufacturer of GRP sonar domes, a contractor 100 percent dependent on submarine work, second, afford a modest amount of additional shipyard work, and third, recapture lost weight, which, when combined with the remaining design weight margin of early 688-class subs, provides an opportunity for retrofitting improvements, such as the wide aperture array or the intelligence collection package unique to retiring *Sturgeon*-class subs.

Pearl Harbor, Mare Island, Portsmouth, Norfolk, Charleston, and, potentially, Electric Boat, Newport News, and Puget Sound could all handle a GRP retrofit program during regular shipyard availabilities. In fact, the backfit could probably be accomplished during selected restricted availabilities by shipyard tiger teams in 688-class sub homeports.

The upgrade program I have just outlined is one of many that we could undertake to maintain the submarine vendor base. I am heartened by the fact that the Navy is reportedly considering just such a backfit in its POM94 process, and I look forward to its appearance in the fiscal year 1994 Defense Department request. In the meantime, Congress should seriously consider undertaking the GRP sonar dome retrofit program this year. •

#### TURKEY'S POLICIES REGARDING ITS KURDISH CITIZENS

• Mr. DECONCINI. Mr. President, I rise today to voice concern over the situation in southeast Turkey which has seemingly degenerated in recent weeks to a state of civil war. The recently elected Prime Minister of Turkey,

Suleyman Demirel stated that a resolution of the Kurdish situation would be a top priority of his government. During a much publicized trip to the Kurdish area of Turkey last year he reached out to Turkey's Kurdish citizens, offering them greater cultural autonomy and promising increased economic development. Mr. Demirel's government has removed obstacles to printing Kurdish publications and has lifted other restrictions on the use of the Kurdish language hoping that increased cultural autonomy would diminish support for Kurdish PKK terrorists attempting to form their own state.

Unfortunately, Mr. Demirel's efforts to address the Kurdish situation have not resulted in a reduction of tensions. Instead, massive discontent has erupted in southeast Turkey, and the level of violence between security forces and terrorists has taken an increasing and unacceptable toll of innocent lives. While the tactics of the PKK terrorists are abhorrent, the group appears to be gaining support among a population weary of constant harassment by security forces. Recently, 14 Kurdish deputies withdrew from the ruling coalition in the Turkish Parliament to protect the Government's policy toward Kurdish citizens. The new Government of Turkey and its program of wide ranging democratic reforms now appear jeopardized by the chaos and destruction in the southeast.

Turkish military incursions into northern Iraq, ostensibly to attack PKK bases, have, in fact, also killed civilians who do not support the PKK. Actions taken by security forces against terrorists have been heavy-handed and have served to further incite the Kurdish population and destabilize the entire region. Turkey's NATO ally, Germany, has recently halted shipments of arms to Turkey because of Turkey's use of German equipment for offensive purposes against the Kurds. Germany has announced its intentions of raising the Kurdish issue during the Conference on Security and Cooperation meeting taking place in Helsinki.

Mr. President, it is in the best interests of all parties that extreme caution be exercised by the Turkish Government as it continues to counter the efforts of the PKK. While Turkey, and indeed, all nations have a right to protect the security of their citizens and the sovereignty of their borders, Turkey is also obligated to protect the human rights of its citizens. Unfortunately, as the PKK has stepped up its violent attacks, the human rights of civilians in the southeast are becoming increasingly threatened by the increasingly violent actions of security forces.

This is particularly regrettable because, under President Demirel's leadership, the Government of Turkey has taken several important steps toward



improving the civil and human rights of its citizens. This process must continue and the implementation of reform measures should be vigorously enforced at all levels of Government. The actions of the PKK terrorists are deplorable, yet the Turkish Government should move even more swiftly and earnestly to protect the legitimate human and civil rights of its citizens and ensure that its security forces act according to international and democratically established procedures. Violence only begets violence and support for the PKK may grow unless President Demirel takes decisive action to protect the rights of all of Turkey's citizens. •

#### ANTI-SEMITISM IN MOLDOVA

• Mr. SIMON. Mr. President, as you well know, even as the peoples of the former Soviet Union take their first breaths of free air, minorities throughout the newly created Republics live in constant fear of oppressive majority elements. For the past several weeks, I have highlighted the reemergence of anti-Semitism in Russia and Ukraine, and today I turn to the situation confronting Jewish citizens in the Republic of Moldova.

The ethnic and political scenario for Jews in Moldova is much more complex than in many of the other nations of the Commonwealth of Independent States. Moldova, considered in conjunction with neighboring Romania with whom ties were extremely strong prior to the 1940's, has a historically significant level of anti-Semitism. Also, the economic situation in Moldova is by far one of the worst in the states of the former Soviet Union, and the chaos of recent economic events have renewed fears of violence against minority groups, who are scapegoated for the financial problems.

What is more, Moldova has been at the forefront of the nationalistic movements among the newly independent states, and their nationalism has increasingly become a movement of exclusion, rather than inclusion, for many minority groups, among them Russians, Gagauzis, and Jews. Finally, there appears to be evidence of governmental anti-Jewish sentiment confronting Jews attempting to emigrate to both Israel and the United States. There are numerous cases exemplifying the Government's refusal to permit emigration on the basis of arbitrary reasons that can only be understood as anti-Jewish policy.

However, anti-Semitism in Moldova over the past few years has not been as evident as the outbreaks of violence, graffiti, and desecration so readily apparent in other regions. Rather, in this region, anti-Semitism is akin to a slumbering giant; it casts a lingering shadow over the hopes and aspirations of the remaining Jews, yet it does not appear as an immediate problem.

A brief overview of the history of Jews in Moldova will paint an interesting picture. By the close of the 19th century, the number of Jews in Kishinev, the capital of Moldova, numbered 50,237, 46 percent of the city's entire population. Two large pogroms in the first 5 years of the 20th century, however, drastically affected the Jewish population both in Kishinev and in Moldova at large. During Easter of 1903, agents of the Ministry of the Interior and the Bessarabian administration in charge of the region initiated a riot and 49 Jews were killed and 500 others were injured. Just 2 years later, mob action against Jewish citizens broke out once again. On October 19-20, 1905, patriots attacked the Jewish quarter of Kishinev, killing 19, injuring 56, and looting large numbers of Jewish shops and homes. In 1941, Kishinev was occupied by German and Romanian forces, who immediately initiated the massacre of the city's Jews, taking the lives of more than 10,000 Jewish citizens. These atrocities are well recorded in the history books.

Just as important though are recent events in Moldova, as they will inevitably affect that country's Jews. Moldova's declaration of independence of August 27, 1991, was immediately followed by secession proclamations by Moldova's Gagauz and Dnestr Valley Russian minorities. The relevance of these movements to the Jewish population is that they highlight a fear among many minorities of the possible reunification of Moldova and Romania, which have been linked as a region known as Bessarabia in the past.

Jews, through their experience of the heinous acts that Romanians have perpetrated against them in the past, give rise to fears of this reunification, which Romanian President Ion Iliescu has stated is inevitable. And though the Moldovan Government's official stance has backed away from its highly emotional sympathy for reunification, there are strong elements urging the reunion. What all of this means for minorities at present is not certain, but this tenuous situation has given rise to fears among minorities that have carried the country to the brink of war, threatening to divide Moldova along ethnic lines. If that is the case, Jews, who comprise only about 1 to 2 percent of the Moldovan population could be caught in the middle.

Aside from these fears of the possible reunification of Moldova and Romania and the anti-Semitic violence that may be born from it, there are very real instances of anti-Jewish sentiment at present. I have received letters from Moldovan Jews pleading to be saved from the anti-Semitic violence that threatens their very lives. Perhaps most poignant is a letter from Torbina Michaylovna, whose family is the last remaining Jewish family in their village. She wrote:

On the evening of October 7, 1989, (at) about 11:30 p.m. two (people) in black masks rushed into our house \* \* \*. It is difficult for me to write, the tears fill my eyes. They killed my mother, but she saved all of us. They tried to kill my (one-year old) baby, but I covered him with my body and they hit me on the head believing that they had killed me \* \* \*. We continue to live in constant fear for our lives and those close to us \* \* \* nobody cares about us \* \* \*.

And this is not an isolated incident. In a poll of 500 Jewish leaders in December 1989, 93 percent of those who responded had personally experienced some manifestations/displays of anti-Semitism in the past 6 months in Moldova. In addition, over half of those polled expressed their feeling that there is a possibility in the near future of a flare of anti-Semitism with accompanying acts of brutality. As one Soviet Jew wrote in his letter to a staff member at the Center for Human Rights Advocacy, "And now we feel as if we lived on a volcano expecting a new break of violence any moment. And Jews, as you know, are to blame for everything."

Most important, though, there are a number of Moldovan Jews who have been experiencing great difficulties in their attempts to emigrate. Several of these Jewish citizens, such as Gagarina Bystrik, Karmanova Finkel, and Sovetskoy Gaspas have been trying to secure permission to emigrate for over 10 years, but have been refused on completely arbitrary grounds. In other cases, such as that of Gennady Blumin, Jewish citizens, have been subject to extralegal prosecution, merely for their desire to emigrate. Mr. Blumin, who has been held in jail for over a decade for the offense of using Government supplies to make beach bags for private sale, was never questioned during the investigation, was denied the right to be present at his trial and was given a 12-year sentence for what is normally a 4 to 5 year crime. All of this has led many to the conclusion that Mr. Blumin's expressed interest to emigrate has brought the wrath of anti-Jewish sentiment to bear down upon him.

There are growing accounts of the Moldovan Government's willingness to support the remaining Jewish population. According to Aleksandr Brodsky, the editor of the newspaper Nash Golos, a home for elderly Jews will be founded, there will be a department of Judaica at the university, former prisoners of ghettos and concentration camps will be given the status of disabled veterans and food aid for poor Jews will be given during the winters. And, recently, Moldovan President Mircha Snegar issued a statement pledging his support for these and other Jewish cultural projects.

Nevertheless, as Moldova stands on the brink of civil war between several ethnic interests, many view President

Snegar's declaration as a symbolic political move indicative not of Moldova's concern for the Jews, but rather for international opinion about the treatment of minorities.

So, despite these latest attempts by the Moldovan Government, the specter of anti-Semitism stands as clearly today as ever. We cannot stand idly by; now is the time for action to help not only the Moldovan Jews, but also Jews throughout the former Soviet Union as they struggle to escape the grasp of anti-Semitism that has so long held them in its grip. •

#### INDIVIDUAL RETIREMENT ACCOUNTS

• Mr. D'AMATO. Mr. President, in recent weeks, with the Presidential campaign heating up, the American people have made it clear that things are not rosy outside the beltway. One way we inside the beltway can help those outside is to allow the use of IRA funds for homeownership and higher education investments. In addition to allowing the use of IRA funds for homeownership and higher education investments, I believe we must also permit parents and grandparents to invest their IRA funds in homes and education for their children and grandchildren. By doing so, we will not only provide relief to the hard-working middle class, we will help to stimulate the national savings and investment rate and give our sluggish economy the shot in the arm it needs.

On August 2, 1991, I introduced S. 1680, the Family Home Investment and Education Plan Act, cosponsored by my colleagues, Senators DODD, GARN, SEYMOUR, STEVENS, COCHRAN, and BROWN.

I come before you today because I truly believe that our bill will return a much needed and wanted savings tool to the American people, in addition to providing a unique approach to increasing the flexibility of individual retirement accounts [IRA's].

In the past few months, we have witnessed a number of legislative proposals designed to increase the flexibility of IRA's; some of which I have cosponsored. However, none of these proposals is as unique as the Family Home Investment and Education Plan Act because it provides a dynamic way of using IRA's to make housing and college education more affordable. Quite simply, this bill would allow individuals and family members to use funds within their IRA accounts to make a first-time home purchase or to fund tuition and other higher education expenses. Moreover, what makes this bill so unique is that it will give parents and grandparents an alternative method of providing financial assistance to their children and grandchildren. Most importantly, it will be accomplished at no cost to the Treasury.

Affordability of housing and a college education is a serious problem today for middle-class Americans. Data released from the 1990 census showed a drop in the rate of national homeownership in the last decade. This was the first decade since the Great Depression that homeownership declined. This problem is particularly acute in my home State of New York. According to the census data, New York ranked last among all 50 States in the level of homeownership, with just 52.2 percent of New York residents owning homes. Similarly, as college tuition costs continue to outpace inflation, the goal of obtaining a college degree becomes an increasingly elusive target.

We in Congress need to take decisive action to deal with these issues. At a time when the price of a single family house and the cost of a college education are racing beyond the means of many lower and middle-class families, our legislative proposal would free up the use of a major source of savings that is currently inaccessible. Opening up this source of funds is a critical step in addressing this affordability crisis.

To see why our bill is so dynamic, consider other legislative proposals in Congress dealing with this subject. A number of bills have been introduced which waive the 10-percent penalty for premature withdrawal for first time home purchase, higher education expenses, and devastating medical expenses. I am a cosponsor on three such proposals, S. 612 (BENTSEN), S. 1920 (KASTEN), and S. 1984 (SPECTER/DOMENICI).

While waiver of the penalty is helpful, early withdrawal would still be very expensive since individuals who withdraw their IRA funds must still pay income taxes on the amount withdrawn. For taxpayers in the highest Federal tax bracket, early withdrawal could result in income taxes of as much as \$3,100 on a withdrawal of \$10,000. Consequently, the funds available for use would be significantly reduced for the intended purpose. As a result, penalty waivers are limited in their effect in easing the burden of housing or higher education costs.

The Family Home Investment and Education Plan Act is an effective alternative. Under this bill, individuals can make investments for first time home purchases or higher education expenses within an IRA. The owner of an IRA account directs the IRA custodian to use funds for either of two narrowly prescribed activities by such owner or family member. There is no early withdrawal penalty and most importantly, there is no income tax levied. When the investment or loan is repaid, the funds remain within the IRA for reinvestment.

Here is how our bill works. The owner of an IRA account directs the IRA custodian to use funds for either of two narrowly prescribed activities by

such owner or family member. The first is the purchase or construction of a primary residence for use for a first time home buyer. The second is for paying higher education expenses.

The funds can be used either as an equity investment or as a loan. Under the equity investment approach, an individual could use funds within an IRA to make a downpayment on the purchase of a first home. Alternatively, a parent or grandparent could assist a child or grandchild in making such a downpayment. Under the loan approach, IRA funds could be used as a loan to a child or grandchild, either in assisting with a first time home purchase or for higher education purposes.

In all cases, the funds would simply be another form of investment, similar to stock mutual funds or certificates of deposit. The investments or loans would be structured as an arm's length business transaction. When the loan or equity investment is repaid, the funds remain—still tax deferred—within the IRA account of the investor.

Why is this legislation necessary? Under the existing Tax Code, there are a number of prohibited transactions within an IRA account. These include investing in one's own home or making a loan or investment on behalf of a child or grandchild. Our bill would provide a narrow exemption to the list of prohibited transactions.

And for good reason. Consider the following: Any American today can invest IRA funds in a mutual fund consisting of GNMA securities. In effect, this is an investment in a pool of mortgages of single family homes. Thus, under current law, an American can invest in a loan for anyone else's home, but not his own, or that of his parent's or child's. This is arbitrary and unfair. After all, the IRA Program was established to promote long-term savings to ease the financial condition of retirement. Historically, investment in one's own house has proven to be the single most effective source of retirement wealth for middle Americans. Thus, preventing Americans from investing in their own home is contrary to the very purpose of IRA legislation.

Finally, I would like to emphasize that this legislation would not increase the budget deficit. Under our bill, there is no forgiveness of the taxes otherwise deferred through an IRA account, nor is there a loosening of eligibility standard for investing in an IRA. What this bill does is to free up the use of a large pool of funds for important activities which promote financial security and occupational mobility.

Therefore, I again urge my colleagues to join me in this effort to increase home ownership and the attainment of higher education by cosponsoring S. 1680. •



### CORO FOUNDATION 50TH ANNIVERSARY

• Mr. CRANSTON. Mr. President, I rise today to recognize the Coro Foundation on its 50th year anniversary. The Coro Foundation, a nonpartisan public affairs development institution, was founded in 1942 with the goal of strengthening the quality of decision-making by preparing individuals for the public affairs arena.

The Coro Foundation Fellowship Program is a full-time, graduate level program. Every year 12 men and women are named fellows at each of the four Coro Centers in San Francisco, Los Angeles, St. Louis, and New York. They complete at least five working field assignments, including a Government agency, political campaign, community-based organization, labor union, and corporation. In addition, fellows have special study weeks that include media, communications, State governments, and group and individual public service projects that encompass such public concerns as housing, economic development, health care, education, and corporate social responsibility. Coro also has other programs which develop responsible leadership among high schools students, midcareer executives, and senior citizens.

Today over 3,500 Coro graduates are in leadership positions in virtually every area of Government, business, and community service. Among others, they include the former mayor of San Francisco, two Members of Congress and numerous Federal officials, local, State, and national elected officials. In addition, Coro graduates have served in every Presidential administration since 1960. Two current members of my own staff, Alan Thomas and Irene Bueno, are Coro graduates. They both demonstrate the very fine qualities which the Coro Foundation is dedicated toward promoting. I am also proud that a third member of my staff, Julie Martinez, has just been accepted into the Coro Program.

Mr. President, on the occasion of its 50th anniversary, I would like to commend the Coro Foundation's unique efforts in developing future leaders and strengthening our communities.●

### LIBRARY LEGISLATIVE DAY

• Mr. SIMON. Mr. President, today is Library Legislative Day on Capitol Hill. Librarians, scholars, and educators from across the country will be doing all they can to ensure that we continue to support our Nation's libraries. It is my hope that the White House—and all of us here in Congress—will listen closely to what they have to say.

Many may not realize the vital role our libraries can play in helping to get us out of our current economic difficulties. During these days of layoffs, trade

imbalances, and generally troubled economic times, we in Government need to refocus our attention toward educating America and making us competitive in the global marketplace. The key to getting out of the economic mess is to convert to a high-wage, sustained growth economy in which education and job training are the cornerstones.

Unfortunately, the White House has not gotten the message, and the President's rhetoric has not matched reality. Four years ago, President Bush said he wanted to be the education President. Seven months ago, in an address to the White House Conference on Libraries and Information Services, the President said that libraries stand at the center of efforts to strengthen education. President Bush called Federal support for libraries a bargain, and said that "our libraries serve as the schoolrooms for lifetime learning and the launch pads for our future." Yet despite these strong expressions of support, the President's recent budget proposal seeks to gut nearly all Federal support for libraries.

The President was right then, his budget is wrong now, and the cuts he has proposed would scrub the library mission on the launching pad.

In his fiscal year 1993 budget, President Bush proposes a 76-percent funding cut from last year's \$147.75 million appropriation. I am pleased that the budget does include \$35 million for library-related adult literacy efforts; I am troubled, however, by the President's failure to fund any of the other programs authorized under the Library Services and Construction Act [LSCA], the Federal Government's basic library support program. The White House proposal would eliminate funds for public library services, library construction aid, foreign language materials, college library technologies, and library research.

Last December, the administration indicated to me that the President would follow through on his expressions of support for our libraries. Responding to a letter I sent to the Secretary of Education in July, Acting Assistant Secretary of Education William D. Hansen reasserted the administration's support for libraries, and said that libraries must be included among the resources needed "to help us achieve the National Education goals related to school readiness, literacy, and lifetime learning." Maybe they are getting their signals crossed at 1600 Pennsylvania Avenue, but a 76-percent cut in library funding does not sound like much of a commitment to an America already struggling to educate and ready itself for the jobs of tomorrow.

Mr. President, according to a January 31, article in the Washington Post ("The Fiscal '93 Budget, Imitating Life, Has Winners and Losers," p. A-17), the

Education Department believes that public library funding is no longer needed. The Education Department asserts that now that citizens across the country have access to library services, the need for continued Federal support is exhausted. All this despite grave concerns cited in the Post article, and echoed by librarians everywhere, that budget problems are keeping libraries from updating their collections and modernizing their operations. Chances are the librarians you meet with today will confirm this, and will tell you that the President's proposed budget would force many libraries to close their doors, or at least further reduce staff sizes and hours open to the public.

I recognize that Federal library funding has always been a relatively small budget item, but it is enough to make a real difference in quality. The White House may think that library funding is such a small part of a \$1.52 trillion budget request that nobody will every notice. But if Congress does not remedy the problem in the appropriations process, communities across the country will surely notice.●

### REPRESENTATION BY SENATE LEGAL COUNSEL AND TESTIMONY AND DOCUMENT PRODUCTION BY SENATE EMPLOYEES IN PENDING CASE

Mr. SASSER. Mr. President, on behalf of the majority leader and the distinguished Republican leader, I send to the desk a resolution on representation by the Senate legal counsel and authorization of testimony by Senate employees and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 282) to authorize testimony, the production of documents, and representation in United States v. Slawomir Borowy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in *United States v. Slawomir Borowy*, Cr. No. M14939-91, a criminal case pending in the Superior Court for the District of Columbia, the United States has charged the defendant, who is not a Senate employee, with unlawful entry, arising out of his refusal to leave the Senate copy center in the Hart Building.

William Fowble, a Senate employee who works in the copy center, has been subpoenaed to testify as a witness in the trial of this case. The following resolution would authorize the testimony of Mr. Fowble, and any other Senate employees whose testimony is required in connection with this proceeding. It

would also authorize representation by the Senate legal counsel should the need arise with respect to subpoenas for testimony or for the production of documents.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 282

Whereas, in the case of United States v. Slawomir Borowy, CR. No. M14939-91, pending in the Superior Court of the District of Columbia, the United States has caused to be issued a subpoena for the testimony of William Fowble, an employee in the Senate Service Department;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That William Fowble and any other employee of the Senate from whom testimony may be necessary are authorized to testify and to produce documents in United States v. Slawomir Borowy, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent William Fowble, and any other employee, officer, or Member of the Senate in connection with United States v. Slawomir Borowy.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 102d Congress, to be held in Boca Raton, FL, April 9-13, 1992: the Senator from Idaho [Mr. SYMMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS].

#### ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m., Wednesday, April 8, and that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11:05 a.m., with Senators permitted to speak therein for up to 5 minutes; that Senator GORE be recognized for up to 1 hour, with the time from 9:30 to 10:30 a.m. under the control of the majority leader or his designee; that Senator MCCAIN be recognized for up to 20 minutes, that Senator GORTON be recognized for up to 10 minutes, and Senator KASSEBAUM be recognized for up to 5 minutes; that at 11:05 a.m. the Senate resume consideration of Senate Concurrent Resolution 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. SASSER. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:50 p.m., recessed until Wednesday, April 8, 1992, at 8:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 7, 1992:

##### THE JUDICIARY

RICHARD G. KOPF, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE WARREN K. URBOM, RETIRED.

JAMES S. MITCHELL, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

##### DEPARTMENT OF LABOR

MARVIN H. KOSTERS, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS, VICE JANET L. NORWOOD, TERM EXPIRED.

##### NATIONAL TRANSPORTATION SAFETY BOARD

CARL W. VOGT, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1996, VICE JAMES L. KOLSTAD, TERM EXPIRED.

CARL W. VOGT, OF MARYLAND, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF 2 YEARS, VICE JAMES L. KOLSTAD, TERM EXPIRED.

##### MISSISSIPPI RIVER COMMISSION

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE POSITIONS INDICATED, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (33 USC 642):

*To be a member and president of the Mississippi River Commission*

BRIG. GEN. PAT M. STEVENS, IV, ~~xxx-xx-x~~ U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (33 USC 642):

*To be a member of the Mississippi River Commission*

BRIG. GEN. ALBERT J. GENETTI, JR., ~~xxx-xx-xxxx~~ U.S. ARMY.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

##### To be lieutenant general

LT. GEN. AUGUST M. CIANCIOLO, ~~xxx-xx-x~~ U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

##### To be lieutenant general

LT. GEN. CHARLES P. OTSTOTT, ~~xxx-xx-x~~ U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

##### To be lieutenant general

LT. GEN. BILLY M. THOMAS, ~~xxx-xx-x~~ U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

##### To be lieutenant general

MAJ. GEN. WILLIAM W. CROUCH, ~~xxx-xx-x~~ U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

##### To be lieutenant general

MAJ. GEN. JERRY R. RUTHERFORD, ~~xxx-xx-x~~ U.S. ARMY.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THIS OFFICER IS ALSO BEING RECOMMENDED FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISION OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

#### JUDGE ADVOCATE

##### To be lieutenant colonel

WILLIAM B. BEAZLEY, ~~xxx-xx-x~~

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385.

#### ARMY PROMOTION LIST

##### To be colonel

SIDNEY C. FRANCISCO, ~~xxx-xx-x~~  
GILBERT A. GALLEGO, ~~xxx-xx-x~~  
WALTER R. GAY, JR., ~~xxx-xx-x~~  
DONALD L. LAFLIN, ~~xxx-xx-x~~  
BENNETT C. LANDRENEAU, ~~xxx-xx-x~~  
ROBERT L. MCGUIRE, ~~xxx-xx-x~~  
THOMAS F. THOMAS, JR., ~~xxx-xx-x~~  
HAROLD E. WINGARD, ~~xxx-xx-x~~

#### MEDICAL CORPS

##### To be colonel

JOSEPH A. SIEGEL, ~~xxx-xx-x~~

#### MEDICAL SERVICE CORPS

##### To be colonel

WILLIAM MCCORMICK, ~~xxx-xx-x~~

#### ARMY PROMOTION LIST

##### To be lieutenant Colonel

STANLEY R. BEITER, ~~xxx-xx-x~~  
ORLAN K. BOYD, JR., ~~xxx-xx-x~~  
DON E. COWART, ~~xxx-xx-x~~  
DAVID N. DUNAGAN, ~~xxx-xx-x~~  
CHARLES T. GRANADE, ~~xxx-xx-x~~  
HARRISON U. JACK, ~~xxx-xx-x~~  
IVAN M. JONES, JR., ~~xxx-xx-x~~  
JOE D. MCDOWELL, ~~xxx-xx-x~~  
NORBERT L. MOHNNEN, ~~xxx-xx-x~~  
JAMES A. MOYE, ~~xxx-xx-x~~  
RICHARD C. NASH, ~~xxx-xx-x~~  
BARRY D. PARSONS, ~~xxx-xx-x~~  
NAPOLEON O. PISANO, ~~xxx-xx-x~~  
MICHAEL R. PUGA, JR., ~~xxx-xx-x~~  
TONEY L. ROMANS, ~~xxx-xx-x~~  
DONALD D. SCHUSTER, ~~xxx-xx-x~~



MARVIN R. SCHUTZ, xxx-xx-x.  
LILBURN G. SMITH, xxx-xx-x.  
ARTHUR J. SOSA, xxx-xx-x.  
THOMAS D. THURY, xxx-xx-x.  
ROBIN C. TIMMONS, xxx-xx-x.

#### MEDICAL CORPS

##### To be lieutenant colonel

ROBERT T. GARBACZ, xxx-xx-x.

#### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

FRANCIS E. TRAXLER, xxx-xx-x.

#### PN9095 IN THE ARMY (75)

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3368:

#### ARMY PROMOTION LIST

##### To be colonel

ERNEST F. BIVONA, xxx-xx-x.  
CLAUD A. BROWN, SR., xxx-xx-x.  
LARRY J. BROWN, xxx-xx-x.  
MURDOCK CULLINANE, xxx-xx-x.  
JOSEPH H. EDIN, JR., xxx-xx-x.  
RANDAL A. ERWIN, xxx-xx-x.  
ALLAN R. GINSBERG, xxx-xx-x.  
JOHN E. MCKEMIE, xxx-xx-x.  
GEORGE W. PETTY, xxx-xx-x.

#### CHAPLAIN

##### To be colonel

RONALD J. CARR, xxx-xx-x.  
THOMAS W. ELSEY, xxx-xx-x.  
DAVID M. NOLTE, xxx-xx-x.

#### MEDICAL SERVICE CORPS

##### To be colonel

ELWIN H. LANGE, xxx-xx-x.

#### ARMY PROMOTION LIST

##### To be lieutenant colonel

STEVEN P. BEST, xxx-xx-x.

CHARLES BLOODWORTH, xxx-xx-x.  
EARL A. COOPER, III, xxx-xx-x.  
HOWARD B. DODSON, xxx-xx-x.  
JAMES R. DUNLAP, xxx-xx-x.  
CHARLES K. EBER, xxx-xx-x.  
ALAN A. ECKE, xxx-xx-x.  
STEVEN R. HEALD, xxx-xx-x.  
ROBERT W. HEBBS, xxx-xx-x.  
LATHAM C. HORN, xxx-xx-x.  
MICHAEL K. JELINSKY, xxx-xx-x.  
CLINTON D. KIRK, xxx-xx-x.  
LARRY L. LANGHAM, xxx-xx-x.  
DELBERT M. LARSON, xxx-xx-x.  
JOHN C. LEVASSEUR, xxx-xx-x.  
KENNETH E. MADDEN, xxx-xx-x.  
DONALD G. MATTINGLY, xxx-xx-x.  
WILLIAM N. MCGILL, xxx-xx-x.  
PAUL W. MEYER, xxx-xx-x.  
BRUCE D. MOORE, xxx-xx-x.  
RONALD A. MORRELL, xxx-xx-x.  
DAVID J. MUMMA, xxx-xx-x.  
LARRY R. MYERS, xxx-xx-x.  
WILLIAM R. PIPER, xxx-xx-x.  
ORVIN S. ROBERSON, xxx-xx-x.  
JOHN R. SANDEFER, xxx-xx-x.  
GLORIA J. SOLIS, xxx-xx-x.  
TERRANCE STEFANSKI, xxx-xx-x.  
ANDREW C. TIMMERMAN, xxx-xx-x.  
CAROL S. ULINE, xxx-xx-x.  
THOMAS J. WEISS, xxx-xx-x.  
HAROLD D. WILLIAMS, xxx-xx-x.  
MICHAEL D. WILLIAMS, xxx-xx-x.  
KEVIN G. WILSON, xxx-xx-x.  
HENRY WYSOCKI, xxx-xx-x.  
KERRY K. YEN, xxx-xx-x.  
NATHAN M. YOSHIZAKI, xxx-xx-x.  
ROBERT E. YOUNG, xxx-xx-x.

#### MEDICAL CORPS

##### To be lieutenant colonel

STANLEY FLEMING, xxx-xx-x.  
ROBERT F. HAMBAUGH, xxx-xx-x.  
TONY L. WALDEN, xxx-xx-x.

#### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

WILLIAM S. BERNFELD, xxx-xx-x.  
WILLIAM F. GREGOR, xxx-xx-x.

WILLIAM D. HEGMANN, xxx-xx-x.  
THOMAS S. WILSON, xxx-xx-x.

#### VETERINARY CORPS

##### To be lieutenant colonel

ELRY E. PHILIPS, xxx-xx-x.

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3368:

#### ARMY PROMOTION LIST

##### To be lieutenant colonel

CLAYTON D. FLOYD, xxx-xx-x.  
JOHN J. FULLER, xxx-xx-x.  
WILLIAM H. GILL, xxx-xx-x.  
GENE A. KAPLAN, xxx-xx-x.  
JOE W. KNICKMEYER, xxx-xx-x.  
VANCE L. MARSH, xxx-xx-x.  
RICHARD J. MCGURK, xxx-xx-x.  
GILBERT G. SPENCER, xxx-xx-x.  
SPENCER A. STAMY, xxx-xx-x.  
THEODORE THOMPSON, xxx-xx-x.  
WILLIAM W. TREMPER, xxx-xx-x.  
EDDIE B. WALDRIP, xxx-xx-x.  
MICHAEL J. WILTON, xxx-xx-x.

#### MEDICAL CORPS

##### To be lieutenant colonel

PABLO I. ALMODOVAR, xxx-xx-x.

#### MEDICAL SERVICE CORPS

##### To be lieutenant colonel

STEPHEN R. NORTON, xxx-xx-x.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

#### ARMY PROMOTION LIST

##### To be lieutenant colonel

DALE A. DOUGLASS, xxx-xx-x.